

Elizabeth Sines at al. v. Jason Kessler et al., No. 17-cv-00072

**United States District Court
For the Western District of Virginia
Charlottesville Division**

EXPERT REPORT OF DEBORAH E. LIPSTADT, Ph. D

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Highly Confidential Under Protective Order

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I. Introduction

a. Assignment

I have been retained by Kaplan Hecker & Fink LLP as counsel for Plaintiffs to offer my expert opinion on the history, ideology, symbolism, and rhetoric of antisemitism and how those features were on display at the Unite the Right rally in Charlottesville, VA on August 11-12, 2017. Specifically, I have been asked to assess the symbols and rhetoric displayed by the participants in the Unite the Right rally and to place them in their proper historical and theoretical context.

b. Qualifications and Disclosures

I am the Dorot Professor of Modern Jewish History and Holocaust Studies at the Tam Institute for Jewish Studies and the Department of Religion at Emory University. I received my B.A. from City College of New York (1969) and my M.A. (1972) and Ph.D. (1976) from Brandeis University. I have served as a historical consultant to the United States Holocaust Memorial Museum and was appointed by Presidents Clinton and Obama to the United States Holocaust Memorial Council. I was asked by President George W. Bush to represent the White House at the 60th anniversary of the liberation of Auschwitz. I have advised members of Congress and their staffs on matters of Holocaust commemoration, antisemitism, and hate speech. In January 2020, I gave testimony before the House Foreign Relations Committee on contemporary antisemitism. I am frequently called upon by the media to comment on a variety of matters, and have appeared on Good Morning America, NPR's Fresh Air, the BBC, and the Charlie Rose Show. I have contributed to the Chronicle of Higher Education, The Washington Post, and The New York Times. My research focuses on the history of the Holocaust, history of antisemitism, development of holocaust denial and antisemitic hate speech. I have authored six books, among them *Holocaust Denial on Trial*, which recounts the story of the libel charge brought against me in the United

Kingdom by the man who was arguably the world's leading Holocaust denier. He sued me for calling him a denier, antisemite, and racist. After a ten-week trial, the court found overwhelmingly in my favor and Mr. Irving's allegations were dismissed.¹ (The story of that trial was told in the film *Denial*, which is based on my book.) More recently, I wrote *Antisemitism Here and Now*, which explores contemporary antisemitism. In addition to becoming an Amazon bestseller, the book has been described by the *New York Times* as a successful effort "to awaken [the] audience to the nature, persistence and scale of the threat, along with the insidious ways in which it seeks to disguise itself." The book has been published in German and Hebrew and will soon appear in a Polish, Italian, and Japanese edition.

My *curriculum vitae* listing prior publications is attached here to as Appendix A.

The opinions referenced in this report are my own. All facts or data I considered while forming these opinions are referenced in this report or else contained in Appendix B. In the past four years, I have not testified as an expert at a deposition or trial. I am not being compensated for my report or testimony in this case.

c. Summary of Opinions

The Unite the Right Rally was replete with antisemitic ideology, symbolism, and rhetoric. This report will examine these antisemitic elements and analyze their significance. It begins with some background material on the definition, history and nature of antisemitism. It then proceeds to survey the antisemitic symbols and rhetoric used by Defendants at Unite the Right and links their explicit and implicit usages to their historical and cultural relevance. In sum, this report opines that the ideology, symbols, and rhetoric that were on display at the Unite the Right rally fit

¹ The judgment in *Irving v. Penguin and Lipstadt* (1996) can be found at <https://www.hdot.org/judge/#>.

comfortably within a long tradition of antisemitism and share in the tradition that led to the violent murder of millions of Jews in the Holocaust.

II. Background on Antisemitism

a. Antisemitism Defined

Since 2010, the United States State Department has adopted the following working definition of antisemitism.²

- “Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”³

Under the rubric of this formulation, the State Department, together with numerous other countries, considers the following to constitute contemporary examples of antisemitism:

- Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews.

² Working Definition of Anti-Semitism by the European Monitoring Center on Racism and Xenophobia, as cited by U.S. Department of State, “Defining Antisemitism,” <https://2009-2017.state.gov/j/drl/rls/fs/2010/122352.htm>.

³ This definition has been adopted or endorsed by a significant number of other countries, including Germany, France, Israel, Cyprus, Bulgaria and an array of other European nations. <https://www.jewishvirtuallibrary.org/international-holocaust-remembrance-alliance-definition-of-anti-semitism>.

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.
- Using the symbols and images associated with classic antisemitism to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Blaming Israel for all inter-religious or political tensions.⁴

b. Antisemitism as a Form of Prejudice

Antisemitism is a form of prejudice. Prejudice is irrational, as is evident from its etymology: to pre-judge. A prejudiced person predetermines a person's character, intellectual abilities, financial acumen or political leanings. They do so, not on the basis of the individual's actions or behavior, but on the basis of the negative stereotypes associated with the group to which the person "belongs." To put it a bit more colloquially, one encounters the stereotype in front of one's nose and knows precisely who a person is, even though the person is still two blocks away. It is an irrational and illogical way of judging a person or group of people.

Stereotypical beliefs are defined by social scientists as having the following characteristics: 1) they are wholly derived from another's membership in a special group; 2) they disregard the possibility of variability within the group, i.e. "*they* are all like that"; and 3) they lead to a negative effect, even when the stereotypical belief is ostensibly positive, e.g. "Jews are smart with money and therefore be wary of dealing with them."⁵

⁴ The State Department's formulation of antisemitism, as well as these examples, were adopted from the International Holocaust Remembrance Alliance (IHRA), an intergovernmental organization that is mandated to focus on Holocaust-related issues, including antisemitism and Holocaust denial. The United States is a member of IHRA. <https://www.holocaustremembrance.com/working-definition-antisemitism>.

⁵ Yaacov Schul and Henry Zukier, "Why Do Stereotypes Stick?" in Robert Wistrich, *Between Redemption and Perdition: Modern Antisemitism and Jewish Identity* (London: Routledge, 1990), pp. 31-43.

Antisemitism is not about disliking a Jew or group of Jews for something that they did. (That is not to deny that there are certainly Jews, together with many people from groups that are regularly subjected to negative stereotyping, who deserve to be disliked.) Antisemitism is about disliking a Jew simply *because* he or she is a Jew (or is perceived to be a Jew). Conversely, if a Jew does something that some person does not like or approve of and that person attributes that bad behavior to the fact that it was done by a Jew (saying, for example, “well, Jews are like that”), rather than to the fact that they are not nice or good people, that too is antisemitism.⁶

Every negative stereotype has certain elements that are wedded to it. The antisemitic stereotype has four general characteristics: 1) an association with finance and all Jews being rich or “money hungry”; 2) the belief that Jews are smart, but that they use their intellect in a nefarious or evil fashion; 3) the perception that Jews -- not some Jews or a particular Jew, but “Jews” in general -- have a disproportionate control over society and they collectively use that power against the non-Jew; and 4) the conviction that Jews do their evil work in subterfuge and often act as the unseen “power behind the throne.”⁷

Antisemitism can take different forms – religious, political, economic or social. Irrespective of the particular form it takes, it always casts the Jew as an evil “other” and, as such, a serious threat to the non-Jewish population.⁸

c. Antisemitism’s Unique Characteristics

While antisemitism is a form of prejudice and, in that regard, shares the attributes of other prejudices, it has certain unique characteristics. This is particularly evident when we contrast

⁶ Charles Y. Glock and Rodney Stark, *Christian Belief and Anti-Semitism* (New York: Harper & Row, 1966), p. 102.

⁷ See Deborah E. Lipstadt, *Antisemitism Here and Now* (New York Knopf, 2019), pp. 11-22.

⁸ For a comprehensive survey of antisemitism, see Robert Wistrich, *A Lethal Obsession: Anti-semitism from Antiquity to the Global Jihad* (New York: Random House, 2010).

antisemitism with racism. While both are forms of prejudice, they have a fundamental difference. Racists tend to believe they are “punching down,” while antisemites generally perceive themselves to be “punching up.” In other words, racists look upon the person of color as “lesser than” the white person. Racists are contemptuous of people of color because they perceive of them as not as industrious, smart, talented, non-violent, clean-cut or ambitious as the white person. A typical racist trope might be: “If ‘*they*’ move into ‘*our*’ neighborhood, it will ruin the neighborhood.” “If ‘*their*’ kids go to ‘*our*’ kids’ schools, it will ruin the school.”

In contrast, antisemites “punch up.” According to the antisemite, the Jew is “richer” “more powerful,” “cleverer” and “more influential” than the non-Jew. Not only are they all these things, but, the antisemite contends, they use these attributes to harm non-Jews. Consequently, according to the antisemite, the Jew is, not only to be loathed, but to be feared. They pose a danger to the non-Jew. The second unique element of antisemitism and one that flows from this “punching up/punching down” construct, is the belief that Jews are engaged in a secret conspiracy against non-Jews, whites in particular. Antisemites believe Jews are collectively intent on harming white people and dominating them and the societies in which they live.

d. Brief History of Antisemitism

To fully comprehend the events at Charlottesville, it is necessary to understand the origins and development of antisemitism, which has been properly described as the longest or oldest group-based hatred.⁹ It dates back over 2000 years.¹⁰ Much of contemporary antisemitism has its roots in the split between Christianity and Judaism. In its earliest formulation, Christianity was

⁹ Robert Wistrich, *Antisemitism: Longest Hatred* (New York: Schocken, 1991).

¹⁰ Richard Levy, (ed.) *Antisemitism: A Historical Encyclopedia of Prejudice and Persecution* (Santa Barbara, Ca.: ABC-Clío Press, 2005).

a “sect” of Judaism and evolved from it. Jesus was a “rabbi,”¹¹ and all the apostles and Jesus’s earliest followers were Jews. As Methodist minister and professor of Christian theology, Franklin Littell, wrote in his examination of Christianity’s attitude towards Jews, “Jesus, Paul, and Peter would have died at Auschwitz” because they were Jews.¹²

Christianity became an independent religion approximately one hundred years after the death of Jesus, and various pagan groups began to accept the new religion in the 3rd and 4th century. By this time, Christian theology posited that, belief in Jesus and his teachings “replaced” Jewish law and tradition. Theologically, this is called Supersessionism, or replacement theology—the declaration that Christianity is the one true faith and therefore supersedes or replaces Judaism, both in belief and in deed.¹³ In a sign of things to come, this replacement theology, in the words of Franklin Littell, suggested the mission of the Jews was now “finished,” they were consigned to “historical limbo” and their place was taken by the “new Israelites,” i.e. Christians. The practical result of this was to declare Judaism and its followers historical anachronisms.¹⁴

Replacement theology is why Christian theologians often refer to Judaism as the “Mother religion.” Christianity sees itself as the successor to Judaism. That is why the Christian scriptures are called the *New Testament*, as opposed to the Jews’ *Old Testament*.¹⁵ That is what Paul meant when, addressing gentiles who had accepted the new faith, he referred to the Jewish experience as

¹¹ The term rabbi did not really come into use until about a century after his death. This is illustrated by the fact that the leaders who are cited in the sources at the time of Jesus are only cited with first names, e.g. Jesus, Hillel, Shammai. Those who were alive in the following century have rabbi affixed to their names, e.g. Rabbi Yochanan ben Zakai.

¹² Rev. Franklin Littell, *The Crucifixion of the Jews* (New York: Harper and Row, 1975), pp. 24.

¹³ 1 Corinthians 15, verses 3–5ff. For additional discussion of Paul’s relationship to Judaism and rabbinic teachings, see the work of Christian minister and theologian, W. D. Davies, *Paul and Rabbinic Judaism* 2d ed., London, 1965.

¹⁴ On Supersessionism and the way in which it was used to foster antisemitism, see Littell, op. cit., pp. 2, 28-32.

¹⁵ David Nirenberg, *Anti-Judaism: The Western Tradition* (New York: W. W. Norton & Company; 2013).

the “root” and instructed them that “thou barest not the root but the root barest thee.”¹⁶ Early church leaders expected that Jews would adopt this new expression of religious faith, because it eliminated many of Judaism’s strictures and rules, e.g. the dietary laws, strict observance of the Sabbath, and so forth. While there were Jews who became Christians, many Jews did not. Judaism did not disappear. Jews remained loyal to a faith in which they believed, and which was their heritage.

By the 4th century, when the Roman Empire adopted Christianity as the dominant religion, certain Church leaders began to depict Jews as not just having not accepted Christianity, but as having *rejected* it. Anxious to keep recent converts to Christianity from being attracted to Judaism, Church and secular leaders worked to differentiate between the two. As part of that effort, they began to describe Jews as blind to the truth. Jews, some among them contended, repudiated this new faith, not because they disagreed with it, but because of their inherent maliciousness.¹⁷

Eventually, by the Middle Ages (10th-16th century), this formulation rendered Judaism as not just another religion, but as a degenerate faith.¹⁸ Sadly, this attitude would produce grotesque and dreadfully dangerous accusations with no basis in reality. Jews faced the far-fetched charges that they used the blood of Christian children to make *matzah*, the unleavened bread used at

¹⁶ Romans 11:18. See Littell, p. 25.

¹⁷ On this and other examples of Church based antisemitism, see the work of the Catholic priest, Father Edward Flannery, *The Anguish of the Jews* (Mahwah, NJ: Paulist Press, 2004).

¹⁸ Consider, for example, the preachings of St. Ago bard (779-840), Bishop of Lyons, who, fearful that some Christians might be attracted to Judaism, advocated strict legal separations between Christians and Jews. He described Jews as “*fili diabol*” (“children of the devil”). Arguing that the secular leaders should not allow Christians to mix with Jews, he preached: “that the Church of Christ, who should be considered immaculate and unblemished to her heavenly bridegroom, be defiled by contact with the unclean, senile, and corrupt synagogue.” Jeremy Cohen, *Living Letter of the Law: Ideas of the Jew in Medieval Christianity*. (Berkeley: University of California Press, 1999). On this and other examples of Church based antisemitism, see Flannery, op. cit.

Passover.¹⁹ In the face of these frequent accusations, the Vatican and various Popes, repeatedly declared Jews “totally innocent” of these charges and condemned the charges as “false” and “fantastic” (as in fantasy).²⁰ Despite the fact that Jews suffered from the bubonic plague as did Christians, some religious and secular leaders accused Jews of poisoning the wells of Europe in order to spread this dreaded disease.²¹ Jews were accused of entering churches, stabbing the Host (the wafer used in Communion services to represent the body of Christ) and causing it to bleed.²² By engaging in these activities, Jews were, these charges posited, reenacting the killing of Jesus. This kind of animus and deep-seated hatred made Jews not only people to be held in contempt, but a people to be feared. Over the course of centuries, Jews were depicted, not as *an* enemy, but as *the* ultimate enemy. In the 20th century, numerous Church leaders and Christian theologians condemned this behavior on the part of the church.²³

During the Middle Ages, this hostility towards Jews was increasingly taken up by secular leaders. Many European regimes severely restricted Jews’ rights. Sometimes they did so under pressure from the church. Sometimes they did so to show the church how pious they were. Sometimes they did so for their own personal gain. Among the restrictions were strictures

¹⁹ Matt Goldish, *Jewish Questions: Response on Sephardic Life in the Early Modern Period*, Princeton University Press, 2008, p. 8. “In the period from the twelfth to the twentieth centuries, Jews were regularly charged with blood libel or ritual murder – that Jews kidnapped and murdered non-Jews as part of a Jewish religious ritual.”

²⁰ Massimo Introvigne, The Catholic Church and the Blood Libel Myth: A Complicated Story, *Covenant*, Volume 1, Issue 2 (April 2007), Article#79, <http://www.covenant.idc.ac.il/en/vol1/issue2/introvigne.html>.

²¹ Tzafrir Barzilay, “Well Poisoning Accusations in Medieval Europe: 1250-1500,” *Columbia University Academic Commons*, 2016, <https://academiccommons.columbia.edu/doi/10.7916/D8VH5P6T>.

²² Miri Rubin, *Desecration of the Host: The Birth of an Accusation*, *Studies in Church History*, (Cambridge, U.K.: Cambridge University Press: 2016), <https://doi.org/10.1017/S0424208400011281>.

²³ On the split between Christianity and Judaism, see the analysis by the Christian theologian, James Parkes. James Parkes, *The Conflict between Church and Synagogues* (New York: World Publishing Company, 1961).

forbidding Jews to own land, practice most professions and work as artisans. In many places, they were forced into peripheral parts of the economy, e.g. moneylending.²⁴

Generally, these restrictions served a political purpose. The Jew became a convenient scapegoat. If something went wrong in the society – the crops failed, the plague spread, a child went missing, or there was a drought – leaders found the Jew to be an easy target to blame. The population, having been repeatedly told that the Jews were guilty of doing terrible things, was prone to believe the charges were legitimate.²⁵

These legal and economic restrictions coupled with centuries of animus, left European Jews in an imperiled and often poverty-stricken state. In certain places such as Italy, they were forced to live in restricted and blighted areas that became known as ghettos.²⁶ In other places, they were restricted to certain geographical areas.²⁷

One of the most biting criticisms of the way in which the Church treated Jews came from Martin Luther (1483-1546), the founder of Protestantism. In his pamphlet of 1523, *Jesus Christ was Born a Jew*, he denounced the “Papists” (Roman Catholics) for treating the Jews more like dogs than humans. “If the Apostles, who were also Jews, had dealt with us Gentiles as we Gentiles deal with the Jews, there would never have been a Christian among the Gentiles.”²⁸

²⁴ Gavin I. Langmuir, “Medieval Antisemitism,” in Henry Friedlander and Sybil Milton (eds.) *The Holocaust: Ideology, Bureaucracy and Genocide* (New York: Kraus International Publications, 1980); Jeremy Cohen, *The Friars and the Jews: The Evolution of Medieval Anti-Judaism* (Ithaca, N.Y.: Cornell University Press, 1982).

²⁵ Mordechai Breuer, “The ‘Black Death’ and Antisemitism,” in Shmuel Almog (ed.), *Antisemitism through the Ages* (New York: Oxford University Press, 1988).

²⁶ The root of the word ghetto is Italian.

²⁷ For a comprehensive history of antisemitism see Leon Poliakov’s four volume study: *The History of Anti-Semitism: From the Time of Christ to the Court Jews, The History of Anti-Semitism: From Mohammed to the Marranos, The History of Anti-Semitism: From Voltaire to Wagner, The History of Anti-Semitism: Suicidal Europe. 1870–1933* (Philadelphia: University of Pennsylvania Press, 2003).

²⁸ I Bandt (ed.) *Luther’s Works, Vol XLV* (Philadelphia, 1962), pp. 200-1. Brooks Schramm (ed.), see also, *Martin Luther, the Bible, and the Jewish People: A Reader* (Minneapolis: Fortress Press; 2012). Twenty years later, disappointed that Jews did not flock to his iteration of Christianity, Martin Luther wrote a very different essay in which he attacked the Jews and proposed that “their synagogue or churches should be set on fire.... Their homes be

By the 18th century, and the emergence of the Enlightenment, the notion of universal rights began to gain ground. Increasingly, it seemed unenlightened to persecute someone on the basis of their personal religious beliefs. Leaders and philosophers, such as John Locke, Renee Descartes, and, on this side of the Atlantic, Thomas Jefferson and the “Founding Fathers” of the United States argued that people were created equal. They were to be treated equally by virtue of their humanity. Their beliefs were irrelevant.²⁹ Their place in society was determined by their individual abilities and not on the basis of the group to which they belonged or the faith to which they adhered.³⁰

One might have assumed that would mark the beginning of the end of antisemitism. But, by this point Jew-hatred was too deeply embedded in western culture to simply evaporate and disappear. The Enlightenment might have seriously weakened *theological* antisemitism, but in its place there arose modern or non-theological antisemitism. Theological antisemitism expected Jews to “disappear” because they had accepted Christian faith. In contrast, modern antisemitism anticipated Jews would assimilate and “disappear” because they had acculturated and simply stopped identifying as Jews.³¹ Another reason why antisemitism did not disappear is that societies still found it convenient to have a scapegoat, particularly if that scapegoat was a “familiar” target, one that the general population had become indoctrinated over millennia to believe was inherently evil.

broken down and destroyed.... They should be deprived of their prayer books.... [and] passport and traveling privileges should be absolutely forbidden to them.”

²⁹ In the United States this did not, of course, apply to enslaved people or free people of color.

³⁰ For background on the era of Jewish emancipation, when Jews are given citizenship rights in various European countries, and the corresponding rise of secularized, political antisemitism, see Leon Poliakov, *op. cit.*, Volume 3, Chapter 7.

³¹ Littell, *op. cit.*, p. 33.

Antisemitism, thus, proved itself to be quite malleable. By the 19th century, under the influence of the Enlightenment, theological antisemitism – hating Jews because of their religious beliefs – was increasingly replaced with a strain of antisemitism that was linked to political beliefs. Political antisemitism contended that Jews should be excluded from the general society. They should not be entitled to get citizenship, given the right to vote, or allowed to own land, *not* because they adhered to Judaism, but because they were more loyal to one another than to their fellow citizens. They were not to be trusted. They were intent on harm. Even Karl Marx, who was a firm opponent of all religions, adopted modern non-theological antisemitism, arguing that Jews were too identified with one another and because their “god was money.”³²

Beginning in the mid-19th century, another form of non-theological antisemitism began to emerge.³³ Racial antisemites or racialists sought the rationale for their antisemitism in, what they claimed was, science.³⁴ It was, in fact, pseudo-science, with no basis in fact. That, of course did not keep it from gaining popularity. Racialists argued that Jews were biologically and racially inferior and that those differences made them evil, corrupt, and a threat to “white races.” Their nefarious qualities were not a result of their religious or political beliefs. Their evilness was rooted in their “blood.”³⁵ According to these racial theorists, known as eugenicists, there was a “science” of race. The eugenicists argued that people have genetic characteristics which impact, not only

³² Robert Wistrich, “Karl Marx and the Enlightenment,” in Robert Wistrich, *Between Redemption and Perdition: Modern Antisemitism and Jewish Identity* (London: Routledge, 1990), pp. 9-16.

³³ For background on the emergence of racial antisemitism, see Poliakov, op. cit., Volume 3, part 3.

³⁴ On the origins of the concept of “race” and “racism,” see George L. Mosse, *Towards the Final Solution* (New York: Howard Fertig, 1997).

³⁵ For a discussion of how this concept of race was medicalized and used to justify the Third Reich’s programs for sterilization of the so-called “disabled,” medical experiments and ultimately genocide see the iconic work by Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1980).

their height, weight, health, and appearance, but their loyalty, bravery, honesty, wisdom and uprightness.³⁶

According to the eugenicists, a pure white nation would always prevail over a “yellow” or “black” nation. As one of the founding theorists of this movement whose work would greatly influence Adolf Hitler, Count Joseph Arthur de Gobineau (1816-1882), argued that the different races were of “unequal” value. The rise and fall of various nations and even civilizations was determined by their race. The only cultures that produced anything of value were “Aryan” civilizations.³⁷ This concept of “racial nationalism” took particularly strong root in 19th century Germany, with the notion that Germans were possessed of “tall, strong and beautiful bodies... with enormous blue eyes filled with the spirit of restraint and loyalty.” This was wedded to the concept of “Germanic loyalty.”³⁸ Eventually, it would become the foundation for Nazism’s Aryan “myth” and its racial antisemitism.³⁹ It also laid the groundwork for Nazi perceptions of Jews. This science of race had a strong presence in America and was the basis of discrimination in the late 19th and early 20th century against those who were considered to be non-WASPS, white Anglo Saxon Protestants.⁴⁰

The purveyors of this pseudo-scientific theory contended that Jews, despite looking white, were biologically different from whites. Therefore, even if a Jew converted, she remained a Jew. While this pseudo-science was discredited by the middle of the 20th century, after the world

³⁶ George Fredrickson, *Racism: A Short History* (Princeton Classics) (Princeton, N.J.: Princeton University Press, 2015).

³⁷ Michael Burleigh and Wolfgang Kiperman, “Racism,” *How Was it Possible? A Holocaust Reader*, Peter Hayes, (editor), (Lincoln, Neb.: University of Nebraska, 2015), p. 21.

³⁸ Michael Burleigh and Wolfgang Wippermann, p. 19.

³⁹ For a fuller explication of racial antisemitism, see Poliakov, op. cit., Volume 4, Part 3.

⁴⁰ Steven Farber, “U.S. Scientists’ Role in the Eugenics Movement (1907–1939): A Contemporary Biologist’s Perspective,” *Zebrafish*. 5. 243-5. 10.1089/zeb.2008.0576.

witnessed what Nazism had wrought, it has enjoyed a resurgence among white supremacists (as discussed below).

e. Antisemitism as the Foundation of the Holocaust

While, as discussed above, antisemitism has a millennia long history, the Holocaust, under the charismatic leadership of Adolf Hitler, stands alone.⁴¹ Over the course of approximately five years, Germany, together with its various allies – Romania, Hungary, and France, among others – participated in the murder of between five and six million Jews from throughout the European continent and North Africa. The Germans despised many different ethnic/national/racial entities in Europe and would have murdered many of them (and did) had they won the war, but when it came to the Jews, genocide could not wait.⁴² Together with thousands of accomplices in the military, the Schutzstaffel (or the “SS”), and an array of civilian organizations, and individual Germans, Hitler laid the groundwork for the hatred that propelled this genocide. Before coming to power, in his manifesto *Mein Kampf*, Hitler formulated the Nazi party’s antisemitic ideology, proclaiming that Jews were foreign to Germany and a danger to the German *Volk* (people/nation).⁴³ Building on the pseudo-science of race, as discussed above, the Nazis argued that Jews were *racially* different and inherently evil. Even a converted Jew or a child with one formerly Jewish parent was a danger. The only way to prevail against them was to destroy them.⁴⁴ Although the

⁴¹ For a discussion of Nazi antisemitism, see Philippe Burrin, “Nazi Antisemitism: Animalization and Demonization,” in Robert Wistrich, *Between Redemption and Perdition: Modern Antisemitism and Jewish Identity* (London: Routledge, 1990), pp. 223ff.

⁴² Even their murder of the Roma and Scinti (Gypsies) was haphazard. Some were murdered in gas chambers, while others were allowed to fight for the Reich.

⁴³ On *Mein Kampf* and Hitler and the Nazi party’s ideological outlook, see Klaus Fischer, “Germany’s Turmoil, 1918-1933, in Hayes, op. cit., pp. 65-71.

⁴⁴ Michael Burleigh and Wolfgang Ippermann, “Racism,” in Hayes, op. cit., pp. 19-29.

Holocaust was unprecedented, the ideology upon which it was built emanated directly from the robust tradition of antisemitism and Jewish “otherism” discussed above.

III. Antisemitism at the Unite the Right Rally in Charlottesville

The Unite the Right rally fits comfortably into this ancient antisemitic tradition. It is apparent that the rally’s organizers and attendees, including the Defendants, drew from the same traditions and practices of their antisemitic forbears. As explained below, the ideologies, symbols, and rhetoric that have been the hallmark of age-old antisemitism were on full display during the Unite the Right events.

a. Antisemitic Ideology on Display at Charlottesville

Antisemitic ideology was expressed in many ways at the Unite the Right rally. Generally, it was centralized under a specific theme, particularly emphasized in the chant used during the August 11th nighttime tiki-torch march: “Jews will not replace us.” In its simplest and most straightforward interpretation, that chant can be understood to say Jews will not replace “us,” i.e. white Christians, in our jobs or our dominant place in society. We, as whites, will remain the dominant and supreme force in society. There is, however, another, subtler but deeply ideological, meaning to this chant. It is rooted in “white replacement/genocide” theory. As Professor Nicholas Goodrick-Clarke persuasively argues in his study of neo-Nazi groups, race is the “lodestone” of these contemporary racialist groups.⁴⁵ Deeply embedded within that concept of race is a deep-seated antisemitism. These two animuses – racism and antisemitism – come together in the concept of a “white genocide” or “white replacement” theory.

⁴⁵ Nicholas Goodrick-Clarke, *Black Sun : Aryan Cults, Esoteric Nazism, and the Politics of Identity* (New York: New York University Press, 2001), p. 303.

The theory of course builds on the antisemitic themes enumerated above, and posits that Jews are engaged in a plot to destroy “white Christian” civilization. The theory gained popularity within the white power movement in the 1990s in the United States, when David Lane, an avowed white supremacist, wrote tracts such as “The White Genocide Manifesto,” in which he described his fears about “a Zionist conspiracy to...exterminate the white race.” His phrase, “We must secure the existence of our people and a future for white children,” is commonly relied upon by white supremacist groups that refer to it canonically as the “Fourteen Words.”⁴⁶ According to adherents of this theory, the Jews’ accomplices or lackeys in this effort are an array of people of color, among them Muslims and African Americans. In order to avoid this catastrophic takeover, whites must band together, arm themselves, and go on the offensive.⁴⁷

Adherents to this antisemitic theory rely on a number of bibliographic sources. One dates back to the beginning of the 20th century. At that time, the Czarist secret police in Russia plagiarized a 19th century French book about a Napoleonic plot to control the world. Although this book in its original French form did not mention Jews at all, the Czarist police replaced the main evil characters with Jews. This fraudulent book was supposedly the minutes of meetings that a group of prominent Jews held in Switzerland in the late 19th century as they schemed to control the world. The book, now known as *The Protocols of the Elders of Zion*, claimed to “prove” that Jews were engaged in a vast conspiratorial plot to subvert Christian society and culture. Their

⁴⁶ Kevan A. Feshami, Fear of White Genocide: Tracing the History of a Myth from Germany to Charlottesville,” *Lapham’s Quarterly*, September 6, 2017, <https://www.laphamsquarterly.org/roundtable/fear-white-genocide>.

⁴⁷ Sara Diamond, *Roads to Dominion: Right-Wing Movements and Political Power in the United States* (New York: Guilford Press, 1995); Michael Zatarain, *David Duke: Evolution of a Klansman* (Gretna, LA: Pelican Publishing Company, Inc., 1990); Leonard Zeskind, *Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream* (New York: Farrar, Straus and Giroux, 2009).

weapons were to be liberalism and socialism. If their plans failed, they intended to sabotage the capitals of Europe.

The Czarist police intended to use *The Protocols* as a pretext to spread antisemitism and persecute the Jews. They succeeded beyond measure. Eventually, the book made its way to the United States. In the 1920s, auto magnate Henry Ford published *The Protocols* in his newspaper *The Dearborn Independent* and also distributed 500,000 copies of the work. Despite being repeatedly declared by various researchers, governments and courts to be a fraud, it continues to be published and cited. In 1921, the *London Times* declared *The Protocols* to be “clumsy plagiarism.” In 1935, a Swiss court fined two Nazi leaders for circulating a German-language edition of *The Protocols*. The judges in the trial declared *The Protocols* “libelous,” “obvious forgeries,” and “ridiculous nonsense.” The Assistant Director of the Central Intelligence Agency, Richard Helms, testified in 1961: “The Russians have a long tradition in the art of forgery. More than 60 years ago the Czarist intelligence service concocted and peddled a confection called The Protocols of the Elders of Zion.” In 1965, the United States Senate declared *The Protocols* to be “fabricated” and their contents “gibberish.”⁴⁸ The Senate based its conclusion on a report issued the previous year by the Senate Judiciary Committee which repudiated *The Protocols*.⁴⁹

Nonetheless, *The Protocols* has continued to be republished and “updated” in many forms since.⁵⁰ In one of its more contemporary versions, the so-called Jewish Elders are engaged in a

⁴⁸ “The Protocols of the Elders of Zion,” *Holocaust Encyclopedia*, United States Holocaust Memorial Museum, <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion>.

⁴⁹ The political scientist, Stephen Bronner, has described *The Protocols* “probably the most influential work of antisemitism ever written ... what the *Communist Manifesto* is for Marxism, the fictitious *Protocols* is for antisemitism.” Stephen Bronner, *A Rumor About the Jews: Reflections on Antisemitism and the Protocols of the Learned Elders of Zion*, New York: Oxford University Press, 2003), p. 1.

⁵⁰ For examples of contemporary iterations of *The Protocols* see Dina Port, *The Protocols of the Elders of Zion: New Uses of an Old Myth*, in *Demonizing the Other: Antisemitism, Racism and Xenophobia*, edited by Robert S. Wistrich, Taylor & Francis Group, 1999, pp. 323ff.

racialist conspiracy with the aim of perpetrating a “white Genocide.”⁵¹ This genocide, its adherents contend, will eliminate white people and replace them and their culture with black and brown people, among them Muslims. This racist fantasy theory posits that Jews are the driving force behind this white genocide.⁵²

When these racials speak of creating a white ethno-state for European whites, they are specifically excluding Jews. The Christian Identity movement, a religious expression of white supremacy, argued that whites were the lost tribes of Israel and that Jews, together with people of color, are the descendants of Satan and animals.⁵³

This fear of active replacement by the Jew, derived directly from the historical underpinnings of antisemitism, is a central feature of contemporary antisemitism and was frequently discussed as one of the motivating underpinnings of the Unite the Right rally. Unsurprisingly, there were several examples of this ideology on display by defendants in connection with the Unite the Right rally. For example:

- Defendant Richard Spencer published an article on his internet magazine, AltRight.com, in the immediate aftermath of Unite the Right which positioned their rallies as part of their struggle against this replacement. He wrote: “will you let them replace you? Will you just roll over and

⁵¹ Julie Nathan, “As the Pittsburgh synagogue massacre shows, fears of “White Genocide” are incitement to murder,” *ABC Religion and Ethics*, October 29, 2018, <https://www.abc.net.au/religion/white-genocide-is-incitement-to-murder/10442966>.

⁵² Andrew Wilson, “#whitegenocide, the Alt-right and Conspiracy Theory: How Secrecy and Suspicion Contributed to the Mainstreaming of Hate.” *Secrecy and Society*, 2018, 1(2).

⁵³ “Michael Barkun, *Religion and the Racist Right: The Origins of the Christian Identity Movement* (Chapel Hill: University of North Carolina Press, 1996). The Christian Identity movement proclaims the following: “WE BELIEVE that there are literal children of Satan in this world today.... WE BELIEVE that the Canaanite Jew is the natural enemy of our Aryan (White) Race. The Jew is like a destroying virus that attacks our racial body to destroy our Aryan culture and the purity of our race.” Barbara Perry, *In the Name of Hate* (London: Routledge, 2001), p. 144.

let them run roughshod over White culture and White people? Or will you join us?”⁵⁴

- Defendants Andrew Anglin and Moonbase Holdings (aka “The Daily Stormer”) posted an article detailing his thoughts about white people being replaced during Unite the Right, and took particular note of the fact that “colored people were literally chanting ‘we have replaced you.’”⁵⁵
- Defendant Robert ‘Azzmador’ Ray asserted that the reason the attendees were protesting was because “[their] country has been usurped by a foreign tribe called the Jews.”⁵⁶
- Defendant Heimbach stated, the week after Unite the Right: “There is a genocidal campaign against white people. . . . They really are trying to replace us.”⁵⁷ Heimbach later testified that Jews are disproportionately involved in “white genocide,” which he defined as the “organized demographic displacement of Europeans from their traditional home origination.”⁵⁸ When planning the rally, Defendant Jason Kessler and Michael ‘Tyrone’ Chesny settled on the chant “you will not replace us” because “every right-wing person in the crowd can get behind” and that it “call[ed] Jews by their own games.”⁵⁹
- Defendant Damigo testified that there is a “genocidal campaign against white people” and that “Jewish people” are responsible.⁶⁰
- Defendant David Matthew Parrott wrote on Facebook before being arrested at Unite the Right that “we will not be replaced” and in an article thereafter that he was at the rally

⁵⁴ Wayne Peek, Charlottesville Is A Turning Point For The Alt-Right, AltRight.com (Aug. 14, 2017), <https://altright.com/2017/05/17/charlottesville-is-a-turning-point-for-the-alt-right/>.

⁵⁵ Andrew Anglin, Actual BLM Chant “We Have Replaced You,” Daily Stormer (Aug. 12, 2017), <https://dailystormer.su/actual-blm-chant-we-have-replaced-you/>.

⁵⁶ Hawes Spencer, Interview with Robert ‘Azzmador’ Ray, The Hook (Aug. 11, 2017), https://twitter.com/Suarez_CM/status/896196179456917504.

⁵⁷ Nordic Frontier #31: Matthew Heimbach and the Charlottesville Aftermath, (Aug. 28, 2017) at 1:41:47 – 1:41:55, NOCUSTODIAN00033365.

⁵⁸ Heimbach Dep. Tr. (Jun. 3, 2020), p. 473 at 9–10.

⁵⁹ Chesny Dep. Tr. (Mar. 3, 2020), p. 282 at 13–20, p. 284 at 20–22.

⁶⁰ Damigo Dep. Tr. (Jun. 10, 2020), p. 86–87 at 16–9.

to “expose [the state’s] complicity in White Genocide.”⁶¹ Parrott also agreed in his deposition that “one of the reasons that [he] was present at Unite the Right was to fight back against white genocide.”⁶²

- Defendant Traditionalist Worker Party put out an official propaganda video instructing their members to attend Unite the Right that begins with: “Genocide doesn’t always happen with guns and bombs, the European people are facing genocide ... the international Jewish system, the capitalist system, and the forces of globalism want to destroy our people, they are doing this through mass immigration,” and encourages members to attend the rally in order to say “we will not be replaced.”⁶³
- Defendant Elliot Kline tweeted on August 7, 2017 about the rally: “They will not replace us without a fight.”⁶⁴
- Many defendants chanted some variation of “Jews will not replace us,” on August 11 and 12, as I will discuss below in greater detail.

Those adhering to this ideology argue that Jews pose a specific danger because, while they are not white, they “can pass” as white.⁶⁵ This view of the Jew is also deeply embedded in the Christian Identity Movement, where Jews are depicted as the arch enemy because of their intention to vanquish Aryans by relying on “economic enslavement, colored immigration and race mixing.”⁶⁶ Indeed, the ralliers at Charlottesville repeatedly asserted that Jews are non-whites who were engaged in a war against whites:

⁶¹ David Matthew Parrott, *Catcher in the Reich: My Account of my Experience in Charlottesville*, (Aug. 14. 2017), [NOCUSTODIAN00001367](#).

⁶² Parrott Dep. Tr. (Jun. 26, 2020), p. 58 at 11–15.

⁶³ Matthew Heimbach, *Unite the Right! August 12 – Charlottesville, VA at Lee Park, Traditionalist Worker Party* (July 8, 2017) at 0:00–0:22 & 4:24–4:40

⁶⁴ Elliott Kline, @ThatEliMosley Twitter (Aug. 7, 2017), NOCUSTODIAN00011586.

⁶⁵ “Betty A. Dobratz and Stephanie L. Shanks-Meile, *The White Separatist Movement in the United States: “White Power, White Pride!”* (New York: Twayne, 1997).

⁶⁶ Nicholas Goodrick-Clarke, *Black Sun: Aryan Cults, Esoteric Nazism, and the Politics of Identity* (New York: New York University Press, 2001), p. 234.

- Defendant Richard Spencer apparently described Jews as “chameleons,” in that “when it was convenient for them, they would say that they were white. But when it wasn’t, when they wanted to be a minority, to have exception to whatever rule that deemed fit, they suddenly became Jewish.”⁶⁷ Spencer testified in this deposition that while Jewish people were not an “outside foe,” they are “antagonisms” because “Jews have an identity that is different from the white race.”⁶⁸
- Defendant Vanguard America in “On Charlottesville – why we fight,” stated that the “Jews...in a feverish haste and hubris, have decided to prematurely declare themselves the winner of their war of Attrition against the white man.”⁶⁹
- Defendant Andrew Anglin said that the publication he operates, *Daily Stormer*, was to serve as “a hardcore front for the conversion of the masses into a pro-white, antisemitic ideology.”⁷⁰
- Another member of the Daily Stormer, Robert Ray also said on August 11, “Our country is being usurped by a foreign tribe, called the Jews.”⁷¹
- Defendant Michael Hill tweeted in anticipation of Unite the Right: “if you want to defend the South and Western civilization from the Jew and his dark-skinned allies, be at Charlottesville on 12 August.”⁷²
- Defendant Nathan Damigo told a Jewish college student and an audience of Identity Evropa members that Jews were not white.⁷³

⁶⁷ Froelich Dep. Tr. (Mar. 9, 2020), p. 122 at 6–13.

⁶⁸ Spencer Dep. Tr. (Jul. 1, 2020), p. 49–50 at 22–5.

⁶⁹ Vanguard America, “On Charlottesville – why we fight,” June 1, 2017, NOCUSTODIAN00016534.

⁷⁰ Andrew Anglin, Alternative Right’s Colin Liddell Attacks Andrew Anglin for Defending Robert Ransdell Against RamZPaul, *Daily Stormer* (Sept. 28, 2014), <https://dailystormer.su/alternative-rights-colin-liddell-attacks-andrew-anglin-for-defending-robert-ransdell-against-ramzpaul/>.

⁷¹ Hawes Spencer, Interview with Robert ‘Azzmador’ Ray, *The Hook* (Aug. 11, 2017) https://twitter.com/Suarez_CM/status/896196179456917504.

⁷² Michael Hill, @MichaelHill51 Twitter (July 24, 2017). NOCUSTODIAN00011479.

⁷³ Nathan Damigo, Milo event UC Davis, *Fashy Haircut Periscope* at 19:04, <https://www.pscp.tv/NathanDamigo/1BdGYgoRjnAxX>.

- Defendant Christopher Cantwell has written that “the Jew is the enemy of the human race.”⁷⁴
- Defendant Andrew Anglin wrote a speech for Unite the Right, in which claimed that “not only do [the Jews] intend to exterminate [white people], they intend to make it as if we never existed.” He further asserted that “as long as one of us remains breathing, the Jew’s great work remains unfinished.”⁷⁵
- Defendant Parrott testified that “the Jewish Question” referred to “how to respond to what we perceive to be Jewish aggression against ... white Americans.”⁷⁶

Those adhering to this form of antisemitic ideology view the Jew as the “Puppeteer” behind white replacement. According to the antisemite, people of color are not adept enough to engineer such a massive takeover of white Christian society on their own. There must be someone manipulating them. And that someone is the Jew. As Defendant Heimbach stated:

- “Jews are the ones who control the media and are the ones who control American foreign policy. They control our financial system. They do this around the entire western world and basically around the entire planet. They’re genocidal evil satanic lunatics.”⁷⁷

In light of the above, the white supremacists see Jews as one of their primary targets. In fact, the racist ideology associated with white supremacist organizations is inexorably linked to its Jew-hatred. For adherents to this ideology, the Jew is as “non-white” as a black person and, therefore, poses an existential threat to the white person.⁷⁸

- This is exemplified by the instruction given by Defendant Traditionalist Worker Party, an organization created by

⁷⁴ Christopher Cantwell, Taxing Truth, chriscantwell.com (Aug. 20, 2018), NOCUSTODIAN00001842.

⁷⁵ Andrew Anglin, Unite the Right Speech (Aug 12, 2017) 0:26–0:36, 1:44–1:54, NOCUSTODIAN00015226.

⁷⁶ Parrott Dep. Tr. (Jun. 26, 2020), p. 78–79 at 2–7.

⁷⁷ Action! – Episode 5 Podcast, at 56:00–56:22, NOCUSTODIAN00033319; Heimbach Depo Tr. (Jun. 3, 2020), p. 461 at 9–21.

⁷⁸ Kathleen Belew, *Bring the War Home*, see introduction, n. 24.

Defendants Heimbach and Matthew Parrott, that its white supremacist followers should, “trust nobody who fails to name the Jews, who fails to explicitly and consistently oppose the Jews.”⁷⁹

- Defendant David Matthew Parrott has stated that Jewish people are literally antithetical to white people: “you can keep appealing to your fellow Jews and telling them that what’s good for the Jews is not to attack white people. But it’s so integral to their identity that they have no identity without hating us. They exist in opposition to us.”⁸⁰
- Defendant the Traditionalist Worker Party published an article titled “Whites Aren’t Committing Suicide, They’re Being Murdered” which argues that Jews are a “deadly threat to my people, my civilization, and even my individual well-being” and which likens Jewish media to “Artillery Softening Up White Defense”⁸¹
- Defendant Christopher Cantwell wrote on Minds in 2017 that “America will never be free until the last kike is strangled with the entrails of the last male democrat.”⁸²
- Defendant Jeff Schoep, the former leader of the National Socialist Movement, wrote a letter to a member of his organization stating that Jews were conducting “a full-scale engagement to wipe out the White Resistance, and herd us like (goyim) cattle so the Talmudic following Zionist Jews and their willing puppets can rule over us.”⁸³
- Defendant Dillon Hopper testified that liberals were “Shabbas Goyim” who “were like puppets. They’re just brainless zombies doing the will of their masters.”⁸⁴

⁷⁹ David Matthew Parrott, Lessons Learned From Trump, Traditionalist Youth Network (Apr. 13, 2017), NOCUSTODIAN00000869.

⁸⁰ David Matthew Parrott, GoyTalk Live ft. Matt Parrott (May 24, 2019) at 1:20:05-1:20:21, NOCUSTODIAN00033374

⁸¹ Joseph Jordan, HUD AND HBO’S “SHOW ME A HERO”: WHITES AREN’T COMMITTING SUICIDE, THEY’RE BEING MURDERED, Traditionalist Worker Party (Aug. 20, 2015), <https://web.archive.org/web/20170901050008/https://www.tradworker.org/2015/08/whites-arent-committing-suicide/>

⁸² Christopher Cantwell, Minds (July 15, 2017), NOCUSTODIAN00033762.

⁸³ Jeff Schoep, Self Motivation: For the National Socialist it’s do or die, nsm88.org (Last Accessed July 17, 2020 5:09 AM), https://www.nsm88.org/commandersdesk/self_motivation.html.

⁸⁴ Hopper Dep. Tr. (Jul. 7, 2020) p. 48 at 21–24.

- Defendant Andrew Anglin told his followers that “the Jew has for two-thousand years proven himself to be the eternal racial enemy of our White European people.”⁸⁵
- Defendant Heimbach testified that the Traditionalist Workers Party is engaged in a “war on . . . international Jewry.”⁸⁶

Finally, a central tenet of antisemitic ideology is that Jews are dirty, degenerate and spreaders of disease. In the Middle Ages, as noted above, this was expressed as Jews being held responsible for the spread of the plague.⁸⁷ In the Nazi iconic antisemitic film, *The Eternal Jew*, Jews are depicted as rats spreading disease across the European continent. In more contemporary terms it is expressed by Defendant Spencer’s belief that Jews are “dirty and disgusting and they’re filthy.”⁸⁸ This trope was widely evident from those who attended the Unite the Right rally.

- The *Daily Stormer*’s “Style Guide,” suggests that Jewish journalists be referred to as “ratlike Christ-killing terrorists.”⁸⁹
- Mike Peinovich, a former defendant and proposed speaker at Unite the Right, has claimed that “the promotion of pornography, homosexuality, various forms of degeneracy in media that they gain control of is malevolent. I don’t know what it’s inspired by; if they’re inspired by a dark force, or if they consciously want to weaken the host population, or if they’re just degenerate themselves and are just fascinated with these things. But they do behave in an extremely malevolent way when they gain control over media.”⁹⁰

⁸⁵ Andrew Anglin, Anti-Jew does not mean Pro-White, *Daily Stormer* (Apr. 6, 2013), <https://dailystormer.su/anti-jew-does-not-mean-pro-white/>

⁸⁶ Heimbach Dep. Tr. (Jun. 3, 2020), p. 705 at 10–11.

⁸⁷ Tzafrir Barzilay, “Well Poisoning Accusations in Medieval Europe: 1250-1500,” *Columbia University Academic Commons*, 2016, <https://academiccommons.columbia.edu/doi/10.7916/D8VH5P6T>

⁸⁸ Froelich Dep. Tr. (Mar. 9, 2020), p. 121.

⁸⁹ *Daily Stormer*, “Style Guide,” NOCUSTODIAN00011563 (at NOCUSTODIAN00011576).

⁹⁰ TheRightStuff.biz, The Daily Shoah #170: Surviving Outliers...Barely (July 11, 2017) at 12:11–12:49, <https://therightstuff.biz/2017/07/11/the-daily-shoah-170-surviving-outliers-barely/>.

- On a TWP podcast, The Daily Traditionalist, Defendant Matthew Heimbach and Joseph Jordan discuss their belief that “Jew[s] creat[e] phony pathologies” in order to spread their drugs to “majority white communities, in order to break us apart, to basically pacify us.”⁹¹

b. Antisemitic Symbiology on Display at Charlottesville

Symbols are visual images that represent an idea, further an ideology, and function as a “shorthand” for creating group solidarity and cohesion. One analyst aptly described a symbol as the “visual image or sign representing an idea -- a deeper indicator of universal truth.”⁹² This is true of many of the symbols on display at Charlottesville. A report issued by a British counter terrorism unit noted that the extremist symbols used by far right groups “convey complex messages, ideologies and history in a compact, recognizable form.”⁹³ These kinds of “hate symbols,” the report observed, “are more than just ‘signs’ demonstrating racist, antisemitic and anti-Christian attitudes and beliefs -- these symbols are meant to instill a sense of fear and insecurity within a particular community.”⁹⁴ Such symbols—which share in the robust and age-old history of antisemitism detailed above—were on full display at the Unite the Right rally. Each one spoke to a belief that is an integral part of the ideology espoused by the participants.⁹⁵

Adolf Hitler, as leader of the Nazi party responsible for the death of 6 million Jews, came to symbolize white supremacy himself. In fact, the *Daily Stormer*’s “Style Guide” cites *Mein*

⁹¹ Matthew Heimbach & Joseph Jordan, The Daily Traditionalist: Jewish Drug Peddlers in Modern Medicine, Radio Albion (May 09, 2016) at 12:55–13:03, 22:25–22:32, <https://www.radioalbion.com/2016/05/the-daily-traditionalist-jew-drug.html>.

⁹² Dorling Kindersley Limited. Signs and Symbols, p.6. ISBN 978-0-7566-3393-6 (2008).

⁹³ Counter Terrorism Branch Prevent Team, Greater Manchester Police, “Extreme Right Wing symbols, numbers and acronyms,” <https://www.trafford.gov.uk/residents/community/community-safety/docs/extreme-right-wing-symbols.pdf>.

⁹⁴ Id.

⁹⁵ Extreme Right Wing symbols, numbers and acronyms, <http://docplayer.net/36031060-Prevent-extremism-and-radicalisation.html>.

Kampf and “Hitler’s doctrines,” as the source for its “propaganda doctrine.”⁹⁶ Whether Hitler’s face was on a participant’s clothing or he was quoted by organizers, Hitler’s image is used by white supremacists as an expression of support for his antisemitism. The white supremacists who attended the Charlottesville rally repeatedly expressed their inspiration and admiration for Hitler. (As shown below, one way they refer to Hitler is through the number “88.” “H” being the eighth letter in the alphabet, “88” refers to “HH,” or “Heil Hitler”.) They did this in a number of ways.

- Defendant Matthew Heimbach asserted that: “We look up to men like Adolf Hitler...as inspiration for what we can achieve.”⁹⁷ Defendant Heimbach also sought to downplay Hitler’s actions.⁹⁸
- Defendant Jeff Schoep said that if he met Hitler today, he would tell him: “Thank you for your sacrifice, and I hope we have honored you in some small way by carrying on the fight.”⁹⁹
- Defendant Ray conducted at call-and-response on August 12 at the Unite the Right rally asking “Did Hitler do anything wrong?” To which, the crowd replied “No!”¹⁰⁰
- Defendant Parrott stated that “Hitler was more of an influence and inspiration to [him] than any living American.”¹⁰¹

⁹⁶ *Daily Stormer*, “Style Guide,” NOCUSTODIAN00011563 (at NOCUSTODIAN00011572).

⁹⁷ Matthew Heimbach Interview with ABC News, NOCUSTODIAN00022889 at 00:59–1:06; Heimbach Dep. Ex. 21 at 12:59 – 13:06.

⁹⁸ Heimbach Dep. Tr. (Jun. 3, 2020), p. 475 at 8–13. To be very clear, this is a certainly radical position. Even those with the most rudimentary knowledge of the destruction wrought by Hitler and the Axis forces he led during WWII, hold the German leader in contempt. Contemporary Germany holds him in contempt. (Note there are no statutes or places of reverence for the Nazi leader in Germany. Even far right-wing groups avoid anything that appears to adulate him. For a further explication, see Susan Neiman’s *What We Can Learn from the Germans* (New York: 2019).

⁹⁹ Interview with Jeff Schoep, MourningtheAncient.com (March 14, 2016), MP00086296.

¹⁰⁰ Nathan Gate, Unite the Right All-Day Livestream, TheBigKK (Aug. 12, 2017) at 1:50:00, NOCUSTODIAN00006586.

¹⁰¹ Parrott Dep. Tr. (Jun. 26, 2020), p. 36 at 11–14.

- Defendant James Alex Fields had a number of pieces of Nazi memorabilia in his room, including a portrait of Hitler.¹⁰²
- Defendant Heimbach testified that he circulated a letter quoting Joseph Goebbels, stating that, “[w]hoever can conquer the street will one day conquer the state, for every form of power politics and dictatorship-run state has its roots in the street.”¹⁰³
- Defendant Matthew Parrott testified that a commonly used number with the Alt-Right, 1488, is a dual reference with “14 being the 14 words, and 88 being Heil Hitler.”¹⁰⁴ Parrott also donated \$14.88 to Cantwell’s commissary after Unite the Right.¹⁰⁵
- The website for the National Socialist Movement is nsm88.org.¹⁰⁶
- The Commander of the NSM, Burt Colucci, has an 88 tattoo on his hand.¹⁰⁷
- Defendant Damigo’s used the password “stopthehate1488” for one of his Twitter accounts: @AntiWhiteReport.¹⁰⁸
- Defendant Elliott Kline told his followers that 2017 would “be the real summer of 88.”¹⁰⁹
- Defendant Hopper had the username Lauburu88 on the Iron March forum used to found Vanguard America.¹¹⁰

¹⁰² United States v. Fields, USA Sentencing Memorandum Exhibits (W.D. Va.) pg. 26-27, <https://www.courtlistener.com/recap/gov.uscourts.vawd.111819/gov.uscourts.vawd.111819.59.2.pdf>

¹⁰³ Heimbach Dep. Ex. 67, MWH00035261.

¹⁰⁴ Parrott Dep. Tr. (Jun. 26, 2020), p. 251 at 5–8.

¹⁰⁵ Parrott Dep. Tr. (Jun. 26, 2020), p. 251 at 2–4.

¹⁰⁶ Defendant National Socialist Movement (NSM) Responses to Plaintiffs’ Second Set of Interrogatories to Non-Defaulted Defendants (Nov. 30, 2019), Response to Interrogatory #1.

¹⁰⁷ Anti-Defamation League, Small Group of Neo-Nazis Protest Michigan Pride Festival with Homophobic and Anti-Semitic Slurs, adl.org (Jun 11, 2019) (second picture), <https://lasvegas.adl.org/small-group-of-neo-nazis-protest-michigan-pride-festival-with-homophobic-anti-semitic-slurs/>.

¹⁰⁸ Discord, Direct Message between Fashy Haircut#9734 and Karl North-TX#1929, DISCORD-0003315.

¹⁰⁹ Discord, Direct Message between Eli Mosley and Gray#186, DISCORD-0008636.

¹¹⁰ Hopper Dep. Tr. (Jul. 7, 2020), p. 237 at 6–8.

- Thomas Ryan Rousseau, who took over Defendant Vanguard America, discussed how to use 1488 in propaganda: “the 14 words are pretty agreeable and most dont [sic] connect them to 88 or Lane.”¹¹¹

White supremacists and antisemites, including those who participated in Unite the Right, also relied heavily on the *Swastika*.¹¹² The Swastika is directly linked to the adulation of Hitler and the Nazis and is regularly used by contemporary white supremacists. It is probably the most recognizable and identifiable symbol of the “Third Reich,” a term used to describe the Nazi regime as the heir to the Holy Roman Empire and the German Empire. The Swastika itself is an ancient symbol that was used by many cultures. But it was adopted by the Nazi party in the 1920s, well before the party came to power. Hitler was enamored of the symbol and the flag he designed on which it would appear. In *Mein Kampf*, he wrote:

- I myself, meanwhile, after innumerable attempts had laid down a final form: a flag with a red background a white disk, and a black swastika in the middle. After long trials, I also found a definite proportion between the size of the flag and the size of the white disk, as well as the shape and thickness of the swastika.¹¹³

By the time Hitler designated it as the symbol of the Nazi party, it already was associated with far-right wing German national groups. In 1935, under the Nuremberg Laws, it became the official flag of Germany. After the war display of the Swastika was either banned or tightly regulated in many countries, among them Germany, Austria, France, Latvia, Lithuania, Russia, and Hungary. There is a general sense of opprobrium in many of these countries about the Swastika.¹¹⁴

¹¹¹ Discord, Vanguard Texas/Houston, DISCORD-0005551.

¹¹²“The History of the Swastika,” Encyclopedia, United States Holocaust Memorial Museum, <https://encyclopedia.ushmm.org/content/en/article/history-of-the-swastika>.

¹¹³ Adolf Hitler, *Mein Kampf*, 496 (Ralph Manheim trans., Houghton Mifflin Co. 1999) (1926).

¹¹⁴ Federal Republic of Germany, Penal Code, (StGB 86 and 86a); Hungarian Criminal Code, Section 335 of the Act C, 2012; Republic of France, Penal code, article R645-1. Obviously, such bans, often, do not apply to artistic works and cultural projects, see, for example, <https://www.dw.com/en/germanys-confusing-rules-on-swastikas-and->

In 2016, the National Socialist Movement (or NSM), “one of the largest and most prominent neo-Nazi groups in the United States,”¹¹⁵ officially “retired” the Swastika. According to their announcement, they did so in an effort to “best launch our Party into the mainstream, and out of the so-called fringes.” They said they were engaging in this “re-branding” in order to effectively “reach the masses.”¹¹⁶ In other words, they recognized how firmly linked the Swastika is to Nazism and all it stood for. Heimbach, the founder and leader of the Traditionalist Worker Party, wrote on Discord that he would never have the group “shy away from the swastika.”¹¹⁷

Nonetheless, the Swastika was widely invoked by the defendants as a symbol to display or invoke antisemitic hatred:¹¹⁸

- Several attendees at Unite the Right carried Swastika flags during the event.¹¹⁹
- Defendant Heimbach wrote that the Traditionalist Workers Party “won’t ever have us shy away from the swastika.”¹²⁰ Defendants Heimbach and Schoep have been photographed in front of a burning Swastika.¹²¹

nazi-symbols/a-45063547. When these bans have been broken, there is often a sense of moral outrage. Such was the case in Austria in 2018, <https://www.dailymail.co.uk/news/article-5841647/Nazi-swastika-flag-flown-Australian-Army-vehicle-Afghanistan-vile-display-bigotry.html>.

¹¹⁵ <https://www.splcenter.org/fighting-hate/extremist-files/group/national-socialist-movement>.

¹¹⁶ Jeff Schoep, Commander NSM, “Announcement,” National Socialist Movement, Nov 4th, 2016, MP00086409. https://www.nsm88.org/nsmnews/NSMAnnouncement_Nov_2016.htm.

¹¹⁷ Heimbach Dep. Ex. 115, Discord, tradworker/lobby, DISCORD-0008205.

¹¹⁸ For photographs demonstrating the ubiquitous nature of the swastika in Nazi Germany, see this from the United States Holocaust Memorial Museum, <https://encyclopedia.ushmm.org/content/en/gallery/history-of-the-swastika-photographs>.

¹¹⁹ Aaron Sankin & Scott Pham, *In chat rooms, Unite the Right organizers planned to obscure their racism*, REVEAL NEWS (Aug 31, 2017) (Second Picture) <https://www.revealnews.org/article/in-chat-rooms-unite-the-right-organizers-planned-to-obscure-their-racism/> | *Unite the Right rally*, WIKIPEDIA.ORG, https://en.wikipedia.org/wiki/Unite_the_Right_rally (Last visited Jul 19, 2020) (First Picture); Shaun, Charlottesville: The True Alt-Right, YouTube (Apr 2, 2018) at 31:28, NOCUSTODIAN00028728.

¹²⁰ Heimbach Dep. Ex. 115, Discord, tradworker/lobby, DISCORD-0008205; Heimbach Dep. Tr. 701.

¹²¹ Luke O’Brien, My Journey to the Center of the Alt-Right, Huffington Post (Nov 03, 2016) <https://highline.huffingtonpost.com/articles/en/alt-right/> (Fourth Picture).

- Participants at the Unite the Right displayed the “national flag of Kekistan” on August 12, 2017.¹²² The “national flag of Kekistan” mimics a Nazi war banner. In it the alt-right ‘kek’ slogan replaces the swastika in the center. Though it is green instead of red, it clearly evokes the Swastika flag.
- Defendant Richard Spencer has stated: “We will know we’ve won when it’s not a big deal, we will know when we’ve one when someone can actually have an artistic representation of a swastika or evoke it and people are like ‘oh yeah, that’s nice.’”¹²³
- Defendant Andrew Anglin, in the lead up to Unite the Right, sarcastically suggested that the alt-right should support “rebranding of the Swastika as a symbol of love.”¹²⁴
- Chesny posted a picture of a Swastika flag alongside the comment “got my flag” on the #flags_and_banners channel of the Charlottesville 2.0 server used to plan Unite the Right.¹²⁵

Another widely used symbol by neo-Nazi and white supremacist groups is the **Black Sun**,¹²⁶ or *Schwarze Sonne* or *sonnerad*.¹²⁷ The origin of the Black Sun is the ancient sun wheel symbols relied on by pagan groups such as the Norse and Germanic tribes. However, the symbol

¹²² Washington Post Staff, Deconstructing the symbols and slogans spotted in Charlottesville (Aug 18, 2017) video at 0:26, <https://www.washingtonpost.com/graphics/2017/local/charlottesville-videos/>; Antime Gionet, Baked Alaska Full Event Livestream at 7:30-7:33 (on the livestreamer’s helmet); Mykal Mceldowney, From The Archives: Charlottesville Rally Protest Turn Violent, Indianapolis Star (Aug 11, 2018) picture 29, <https://www.indystar.com/picture-gallery/news/2017/08/12/from-the-archives-charlottesville-rally-protest-turn-violent/104528070/>.

¹²³ Dino et al., GoyTalk LIVE ft. Augustus Invictus & Richard Spencer, GoyTalk (Dec. 14, 2018) at 1:39:04–1:39:20, <https://archive.org/details/GoyTalkLIVEftAugustusInvictusRichardSpencer>.

¹²⁴ Andrew Anglin, Daily Stormer Endorses Rebranding Swastika as a Love Symbol – Jews Do Not, Daily Stormer (Aug. 6, 2017), <https://dailystormer.su/daily-stormer-endorses-rebranding-swastika-as-love-symbol-jews-do-not/>.

¹²⁵ Chesny Dep. Ex. 38, Discord, Charlottesville 2.0/flags_banners_signs, DISCORD-0009364.

¹²⁶ For an image of the mosaic floor with the Black Sun, see Joris Nieuwint, “The Nazi Temple of Doom: Wewelsburg Castle – the SS revered the castle as a place of mystical power,” *Warhistory online*, <https://www.warhistoryonline.com/world-war-ii/nazi-temple-doom-wewelsburg.html>.

¹²⁷ For illustrations of the various symbols in evidence at Charlottesville see Southern Poverty Law Center, Flags and Other Symbols Used By Far-Right Groups, <https://www.splcenter.org/hatewatch/2017/08/12/flags-and-other-symbols-used-far-right-groups-charlottesville>.

began to circulate among far-right German groups in the 1990s.¹²⁸ Although there are different forms of the symbol, the Black Sun that was most commonly seen in Charlottesville is a depiction of a marble mosaic inlay in the Castle Wewelsburg in Germany. This is where SS Chief Heinrich Himmler, who Hitler designated as his successor to head the Third Reich after his death, created the SS's spiritual center and home. The Black Sun was commonly displayed by the Defendants and their associates both at Unite the Right and other events:

- Defendant Andrew Anglin declared: “We are taking back our birthright. This summer a Black Sun will pass over America... I am declaring the summer of 2019 the Summer of Hate.”¹²⁹
- A flag with the Black Sun was displayed at a Vanguard America's Rally in Austin, Texas.¹³⁰
- Defendant Traditionalist Worker Party members took a picture raising the ‘okay symbol’ as well as giving Nazi Salutes with a confederate-sonnerad flag.¹³¹
- Vasilios Pistolis, a member of Atomwaffen and affiliated with Traditionalist Worker Party, made a similar confederate-sonnerad flag, which he used to assault people on August 12.¹³²
- The Detroit Right-Wings used the Black Sun as a part of their logo.¹³³

¹²⁸ Nicholas Goodrick-Clarke, *Black Sun: Aryan Cults, Esoteric Nazism, and the Politics of Identity*, (New York: New York University Press, 2001), pp. 128, 227-28.

¹²⁹ Andrew Anglin, *Summer of Hate: Black Sun to Cross America This August*, DAILY STORMER (May 19, 2017), NOCUSTODIAN00014249.

¹³⁰ ANTI-DEFAMATION LEAGUE, *Vanguard America*, <https://www.adl.org/resources/backgrounders/vanguard-america> (picture 4).

¹³¹ *It's Going Down, Irony, Entryism, And Tokenization: Alt-Right Tools For Hiding In Plain Sight* (Jul 20, 2017) picture 15, <https://itsgoingdown.org/irony-entryism-tokenization-alt-right-tools-hiding-plain-sight/>.

¹³² Discord, Charlottesville 2.0/flags_banners_signs, DISCORD-0009364; A.C. Thompson et al., Ranks of Notorious Hate Group Include Active-Duty Military, Propublica (May 3, 2018), <https://www.propublica.org/article/atomwaffen-division-hate-group-active-duty-military>.

¹³³ Discord, Charlottesville 2.0/flags_banners_sign, JK00112452.

Other Nazi symbols were also widely evident at Unite the Right. For example, the ***Othala Rune***, which roughly refers to an ancestral homeland, was a symbol used by the SS in Nazi Germany and was used during World War II on the flag of the ethnic German 7th SS Volunteer Mountain Division which operated in the Nazi German controlled state of Croatia. It was also used by neo-Nazi groups in Germany, South Africa, and Italy.¹³⁴

- When the NSM “retired” the Swastika (as discussed above), it replaced it with the Othala Rune.¹³⁵ In fact, the Othala Rune is currently the main symbol of NSM, replacing the Swastika on their shields and flag. NSM Members at Unite the Right carried Othala Rune gear.¹³⁶
- Defendant Traditionalist Worker Party officer Cesar Armando Arvelo Santos has an Othala Rune tattoo on both arms.¹³⁷

In addition, defendants evoked the ***SS Lightning Bolt Symbol***, which was incorporated on SS uniforms to signify *Siegrune*, or Victory.

- The NSM would use the SS lightning bolt symbol on the collar of some of their uniforms. The current Commander of the NSM, Burt Colucci, wore them during their appearance in Shelbyville.¹³⁸ Online 2 Lightning bolt emojis are often used to evoke the SS symbol.

¹³⁴ ADL, NSM Legacy Logos, <https://www.adl.org/education/references/hate-symbols/nsm-legacy-logos>.

¹³⁵ Jeff Schoep, Commander NSM, “Announcement,” National Socialist Movement, Nov 4th, 2016, MP00086409, https://www.nsm88.org/nsmnews/NSMAnnouncement_Nov_2016.htm.

¹³⁶ Southern Poverty Law Center, The people, groups and symbols at Charlottesville (Aug 15, 2017), https://www.splcenter.org/sites/default/files/hw_unite-the-right-charlottesville-0817_30.jpg.

¹³⁷ AVLANTIRACISM, Asheville Nazi “Cesar Adolfo” Exposed As Cesar Armando Arvelo Santos, Asheville Anti Racism (Jul 26, 2018) (picture 1), <https://avlantiracism.blackblogs.org/2018/07/26/asheville-nazi-cesar-adolfo-exposed-as-cesar-armando-arvelo-santos/>.

¹³⁸ ANTI-DEFAMATION LEAGUE, *White Supremacist Infighting Escalates After Shelbyville Event* (Nov 1, 2017)(picture 1), https://www.adl.org/sites/default/files/styles/cropped_img_md/public/2017-11/Heimbach%20Shelbyville.jpg?h=5966adf4&itok=cMk6ht5D.

The Unite the Right participants also invoked the *Stahlhelm Helmet*, which was a piece of military protective headgear specifically used by the German military during the Third Reich.¹³⁹ Indeed, the Stahlhelm Helmet, though used by some other armies, became synonymous with the German soldier fighting for the Nazis. (In fact, there were a number of different style helmets used by German forces, both the army and the SS, but they all had a distinctive flared edge.) After the war, the German government discontinued the use of this style helmet because of its close association with Nazism. Notably, similar helmets were used by Matthew Heimbach, Derrick Davis, members of TWP, and League of the South on August 12, 2017.¹⁴⁰

Another symbol was the *Iron Cross*, which was a German military medal that was first used in the 19th century. During the Third Reich, the Nazi regime added a Swastika to the traditional medal. As with the Stahlhelm Helmet, given its close association with Nazism, the post-World War II German government discontinued the use of the medal. (Ironically, many Jews received the Iron Cross medal for their service to the Kaiser's regime during World War I. They sadly assumed that this might protect them from Nazi antisemitic actions. Ultimately, it did not.)¹⁴¹ The official NSM Uniform includes a cloth Iron Cross badge, with a Swastika in the center.¹⁴²

Finally, the defendants at Charlottesville laid bare their allegiance to Nazi and antisemitic ideology through their use of *tiki torches*. The use of fire, and torches specifically, has a long

¹³⁹ About WWI & WWII German & Austro-Hungarian Helmets, <https://alexanderandsonsrestorations.com/about-wwi-wwii-german-austro-hungarian-helmets/>.

¹⁴⁰ See Heimbach Dep. Ex. 74.

¹⁴¹ In many western countries, the United States in particular, the use of the Iron Cross has become more ubiquitous. Various biker groups, particularly those with a sketchy relationship to law enforcement, have adopted the Iron Cross and other Nazi symbols. It can be understood to indicate a rebellion against law enforcement and governmental authorities. In more recent years, one can find it used as a logo on biking and skateboard equipment, often to indicate a certain rebellious, non-conformist nature. So, while it is hard to directly link the Iron Cross (without the swastika) alone to Nazi beliefs, when it is linked to all these other symbols and the chants, the connection is undisputable.

¹⁴² National Socialist Movement, Official N.S.M. Uniform and Accessories, <https://www.nsm88.org/merchandise/uniforms.html>.

prominence in the history of white supremacy. As Dr. Edna Friedberg, a historian at the United States Holocaust Memorial Museum noted, “[t]he Nazis were masters of propaganda who regularly used torchlight spectacles to create drama and show force. . . . Hitler himself made repeated references to torches as symbols of national and racial revolution in his book *Mein Kampf*.”¹⁴³ In fact, “[o]n January 30, 1933, torchlight parades announced the onset of the Nazi regime as Adolf Hitler became Chancellor of Germany.”¹⁴⁴ And of course, tiki torches were front-and-center in the events at Charlottesville, most notably during the August 11th nighttime march, where the following defendants enthusiastically participated in the torch march: Richard Spencer,¹⁴⁵ Christopher Cantwell,¹⁴⁶ Robert Ray,¹⁴⁷ Augustus Sol Invictus,¹⁴⁸ Thomas Ryan Rousseau,¹⁴⁹ and Jason Kessler.¹⁵⁰ As Dr. Friedberg concluded: “The torches carried during a nighttime march in a university town . . . deliberately echo the smoke of these earlier, racist, and murderous eras.”¹⁵¹

¹⁴³ Edna Friedberg, Why They Parade by Torchlight, <https://www.theatlantic.com/politics/archive/2017/08/why-they-parade-by-torchlight/537459/>.

¹⁴⁴ Id.

¹⁴⁵ RS00747467.

¹⁴⁶ NOCUSTODIAN00003863.

¹⁴⁷ Samuel Corum, White Supremacists March with Torches in Charlottesville, GettyImages (Aug 11, 2017), <https://www.gettyimages.com/detail/news-photo/neo-nazis-alt-right-and-white-supremacists-march-through-news-photo/830617764?irgwc=1>.

¹⁴⁸ Evelyn Hockstein, Torch march of white nationalists, GettyImages (Aug 11, 2017), <https://www.gettyimages.com/detail/news-photo/chanting-white-lives-matter-you-will-not-replace-us-and-news-photo/831221846?irgwc=1>.

¹⁴⁹ Jon Steel, #UniteTheRight rally marches while chanting blood and soil ~ Charlottesville, Va (8-11-17), YouTube.com (Aug. 11, 2017) (Green shirt, brown hat, right of center); Alejandro Alvarez & Ford Fischer, Alt-right groups participate in torch burning ceremony ahead of tomorrow’s “Unite the Right” event, Facebook (Aug 11, 2017) at 2:00, https://www.facebook.com/watch/live/?v=1489732477801303&ref=watch_permalink.

¹⁵⁰ NOCUSTODIAN00012667.

¹⁵¹ Edna Friedberg, Why They Parade by Torchlight, <https://www.theatlantic.com/politics/archive/2017/08/why-they-parade-by-torchlight/537459/>.

Fasces, from the Latin word *fascis*, or a bound bundle of wooden rods, is an ancient symbol that predates the Roman Empire and is one that appears in many countries' iconography (including the United States). In the 20th century, it became synonymous with the Italian fascist party, which used it as its symbol, and with its leader Benito Mussolini, his violent regime that engaged in oppression and violence.¹⁵² In contrast to the swastika, which is almost universally associated with Nazis, the fasces are more ubiquitous. It can be found on American monuments, including at the Lincoln Memorial in Washington, D.C. However, as the United States National Parks Service notes, there is a stark difference between the meaning of the symbol when used by Italian fascists, for whom the symbol represented nationalism, totalitarianism, and imperialism, and when used by the United States, for whom it represents “strength through unity,” or *E pluribus unum*.¹⁵³ Given the stated ideologies of the groups and individuals present at Charlottesville, it is impossible to interpret this symbol as anything but being a reference to fascism.

- Defendant Matthew Heimbach and Dillon Hopper were photographed together at a gathering before Unite the Right holding up a Fasces and using the Roman Salute.¹⁵⁴
- Similarly, Defendant James Fields, who was convicted of driving a car into a field of protesters, was photographed at Unite the Right carrying a shield with the Fasces symbol on it.¹⁵⁵
- Defendant Vanguard America uses the fasces as one of its symbols, and features it carried by an eagle.¹⁵⁶

¹⁵² Michael R. Ebner, *Ordinary Violence in Mussolini's Italy*, (New York: Cambridge University Press, 2011).

¹⁵³ National Park Service, “The Secret Symbol of the Lincoln Memorial,” <https://www.nps.gov/articles/secret-symbol-of-the-lincoln-memorial.htm>.

¹⁵⁴ Heimbach Dep. Ex. 114 (picture of Heimbach holding up fasces before Unite the Right); Discord, tradworker/lobby, DISCORD-0008205.

¹⁵⁵ Go Nakamura, James Alex Fields Jr., Alamy (Aug 12, 2017) <https://www.alamy.com/charlottesville-virginia-usa-12th-aug-2017-james-fields-center-who-image153782446.html>.

¹⁵⁶ NOCUSTODIAN00011580.

- Defendant Augustus Sol Invictus uses an Eagle holding a Fasces as one of his major symbols, and it is included on several articles of clothing he sells as merchandise.¹⁵⁷ He also wore a shirt with the design on August 11, 2017.¹⁵⁸

c. Antisemitic Rhetoric on Display at Charlottesville

The white supremacists who participated in the Unite the Right rally reinforced their antisemitic ideology and symbolism through aggressive and hateful rhetoric that evoked language that has been used by antisemites for generations. Some examples of this follow.

Most notably, the Unite the Right participants made wide use of the phrases “*Seig Heil*” and “*Heil Hitler*.” “Seig Heil” (or “Hail Victory”) was widely known as the “Hitler greeting” and became the standard greeting in Nazi Germany. It was mandatory for civilians (some military still chose to salute). In fact, the Reich Minister of the Interior decreed in 1933 that all public employees must use it if they did not wish to “come under suspicion of behaving in a consciously negative fashion.”¹⁵⁹ Eventually, all civilians were required to use the greeting, although Jews remained forever forbidden from doing so. As with the many symbols associated with the Third Reich, its use was outlawed by the German government after the war. (Strafgesetzbuch German Civil Code, section 86a). It is also illegal in Austria, Poland, and Slovakia. In many other countries, including Canada, the Netherlands, Sweden, and France, it is considered to be a form of hate speech. Nevertheless, the white supremacists that attended Unite the Right regularly invoked the greeting:

¹⁵⁷ Augustus Sol Invictus, All Devourer, Blogspot, <http://augustusinvictus.blogspot.com/p/merchandise.html>.

¹⁵⁸ https://twitter.com/IGD_News/status/921627878189441024.

¹⁵⁹ Richard J. Evans, “The Third Reich in Power,” (Penguin Books: New York, 2005), p. 123.

- Defendants Spencer,¹⁶⁰ Heimbach,¹⁶¹ Mike Peinovich,¹⁶² the National Socialist Movement,¹⁶³ and Robert Ray¹⁶⁴ all used the Nazi salute.
- Defendant Spencer greeted his followers at Unite the Right with “Hail Victory.”¹⁶⁵
- Defendants Azzmador,¹⁶⁶ Spencer,¹⁶⁷ and Anglin,¹⁶⁸ as well as Thomas Ryan Rousseau of Vanguard America,¹⁶⁹ have all used “Heil Victory” in their speeches and rhetoric.
- Defendant Heimbach testified that he addressed by TWP members with “Heil Heimbach.”¹⁷⁰ Defendant Heimbach also testified that TWP members would salute him with the Nazi salute.¹⁷¹
- Defendant Spencer led a group including a number of defendants in a call and response Nazi salute at the precursor to Unite the Right, known as Charlottesville 1.0 in May 2017.¹⁷²

¹⁶⁰ Heimbach Dep. Ex. 90 (picture of Spencer using roman salute at Cville 1.0 after party).

¹⁶¹ Heimbach Ex. 37 at 0:52-55, NOCUSTODIAN00027705; Heimbach Dep. Ex. 61.

¹⁶² NOCUSTODIAN00012233.

¹⁶³ Brett Barrouquere, Black Civil Rights Advocate Takes Control of Neo-Nazi Hate Group the National Socialist Movement, Southern Poverty Law Center (Feb 15, 2019), <https://www.splcenter.org/hatewatch/2019/02/15/black-civil-rights-advocate-takes-control-neo-nazi-hate-group-national-socialist-movement>.

¹⁶⁴ Daniel Shular, Unite the Right and Counter Protests in Charlottesville, VA August 11-13, 2017, YouTube (Aug 15, 2017) at 1:40, NOCUSTODIAN00033360.

¹⁶⁵ Adam Bhala Lough, Alt-Right: Age of Rage, Amazon Prime (Mar 9, 2018) at 1:19:10-1:19:30, <https://www.amazon.com/Alt-Right-Rage-Daryle-Lamont-Jenkins/dp/B07HLR8MJ1>.

¹⁶⁶ Buy Free Canadian Pharmaceuticals, American Vanguard Speeches, Texas is Ours, YouTube (Jun 18, 2017) at 0:02, <https://www.youtube.com/watch?v=0oFZmfXurJU>.

¹⁶⁷ Richard Spencer, ‘Hail Trump!’: Richard Spencer Speech Excerpts, The Atlantic (Nov. 21, 2016), <https://www.youtube.com/watch?v=1o6-bi3jlxk>.

¹⁶⁸ Richard Spencer, et al., *Between Two Lampshades*, The Right Stuff (Dec 14, 2016) at 2:47:41, <https://therightstuff.biz/2017/02/22/between-two-lampshades-thomas-j-main-interviews-mike-enoch/>.

¹⁶⁹ Thomas Rousseau et al., American Vanguard Speeches, Texas is Ours, YouTube (Jun 18, 2017) at 15:10, <https://www.youtube.com/watch?v=0oFZmfXurJU>.

¹⁷⁰ Matthew Heimbach, In From the Cold: Why I Left White Nationalism, Light Upon Light, <http://www.lightuponlight.online/in-from-the-cold-why-i-left-white-nationalism/>.

¹⁷¹ Heimbach Dep. Tr. (Jun. 3, 2020), p. 698 at. 18–20.

¹⁷² Milo Yiannopoulos, Richard Spencer yells ‘Sieg Heil!’ and gives Nazi salute in Charlottesville, CENSORED.TV (Apr 6, 2020), <https://www.youtube.com/watch?v=uvCJuwcE074>.

- Some Unite the Right attendees, like Shane Duffy, posted photos doing Nazi salutes in the Charlottesville 2.0 Discord server.¹⁷³

The Unite the Right participants also frequently invoked the trope: “*Jews will not replace us.*” This chant, heard during the Friday night march at Charlottesville,¹⁷⁴ is an explicit invocation of the white genocide replacement theory described in detail above, which posits that Jews have a plan to replace white European culture. This turn of phrase was widely invoked by the Defendants (and in particular during the Unite the Right events):

- Defendant Cantwell¹⁷⁵ and Thomas Ryan Rousseau of Vanguard America,¹⁷⁶ as well as members of Identify Evropa and League of the South,¹⁷⁷ shouted “Jews will not replace us” on August 11.
- Members of Vanguard America and members of Identity Evropa, as well as Defendant James Fields, chanted “Jews will not replace us” on August 12.¹⁷⁸
- Defendants Spencer,¹⁷⁹ Kline,¹⁸⁰ and Damigo¹⁸¹ have also used similar chants.

¹⁷³ Shane Duffy, aka AltCelt, Seig Heil Discord, Charlottesville 2.0/general_1, DISCORD-0004662.

¹⁷⁴ Elle Reeve et al., Charlottesville: Race and Terror – VICE News Tonight on HBO, VICE News (Aug 14, 2017) at 0:09–1:00, NOCUSTODIAN00007625.

¹⁷⁵ See id at 0:23–0:35 .

¹⁷⁶ Jared Holt, Alt-Right Charlottesville Marchers Chant ‘Blood and Soil!’ and ‘Hail Trump!’ HateWatch (Aug 20, 2017), https://www.youtube.com/watch?v=GVDF_GkNAYA (closest to the camera).

¹⁷⁷ Katie Couric, See the Sparks That Set Off Violence in Charlottesville, National Geographic (Aug 19, 2017) at 4:30, NOCUSTODIAN00028717.

¹⁷⁸ Sandi Bachom, White Supremacists Vanguard America (Patriot Front) w/ James Fields March in Charlottesville 8/12/17, YouTube (Feb 9, 2020), BACHOM00000126.

¹⁷⁹ Jared Holt, White Nationalists Chant in Charlottesville Again: ‘You Will Not Replace Us,’ Hatewatch (Oct 10, 2017) at 1:07. <https://www.youtube.com/watch?v=0M9tbjRkte&t=67s>.

¹⁸⁰ Malcome, You Will Not Replace Us Compilation, YouTube (Apr 25, 2018), https://www.youtube.com/watch?v=ftbl-ZszM_M&t,

¹⁸¹ Richard Spencer, It’s Going South, Periscope (May 13, 2017), at 15:14, NOCUSTODIAN00002014.

- Much of the promotion of the Unite the Right rally used the slogan “You will not replace us”¹⁸²

The white supremacists at Charlottesville also made use of the phrase “*Blood and Soil*,” a translation of the German phrase, “*Blut und Boden*,” which was a foundational slogan adopted by the Nazi party. Although the Nazis did not create the slogan (it was used by other right-wing nationalist groups early in the 20th century), they eagerly adopted it. To those who chanted it, it represented a number of ideas: (i) unless one had “Aryan”¹⁸³ blood,¹⁸⁴ one was not “racially pure”; (ii) “we,” i.e. Aryans, have a mystical relationship to the German soil and the non-Europeans, i.e. people of color and Jews, lack both the right “blood” and the connection to the soil (they are interlopers); and (iii) we Germans need *Lebensraum*, more “soil” for our people to live on. The Unite the Right participants utilized the slogan frequently:

- The marchers at Unite the Right, including Thomas Ryan Rousseau of Vanguard America, chanted “blood and soil” on August 11, 2017.¹⁸⁵
- Defendants Michael Hill of League of the South and Jeff Schoep of NSM have also used the phrase.¹⁸⁶
- Defendant Richard Spencer evokes the slogan in his Alt-Right Manifesto published for Unite the Right saying: “Europe is our common home, and our ancestors’ bone and blood lie in its soil.”¹⁸⁷

¹⁸² <https://imgur.com/a/aSEDqww> , <http://archive.is/H6DH5>, <https://archive.is/hg4nc>, <https://twitter.com/DrDavidDuke/status/896335382652104704>.

¹⁸³ It is important to understand that the concept of an “Aryan,” as cemented in Nazi ideology is devoid of any scientific or historical basis. It is pseudo-science used for political purposes. See Burleigh and Wupperman, op. cit.

¹⁸⁴ The concept of blood, as in “bloodlines,” is rooted in the universally discredited notion that a person’s psychological traits and behavior are a function of one’s heredity. In it can be found the pseudo-scientific justification for racism.

¹⁸⁵ Jared Holt, Alt-Right Charlottesville Marchers Chant ‘Blood and Soil!’ and ‘Hail Trump!’ HateWatch (Aug 20, 2017), https://www.youtube.com/watch?v=GVDF_GkNAYA.

¹⁸⁶ World News, USA. ‘White Lives Matter’ supporters chant ‘Blood and Soil’ as they rally in Tennessee, YouTube (Oct 28, 2017), <https://www.youtube.com/watch?v=i-Vb3J1RIeM>.

¹⁸⁷ Richard Spencer, What it Means To Be Alt-Right, AltRight.com (August 11, 2017), NOCUSTODIAN00014590.

- According to Defendant Matthew Heimbach, “Nationalism is based on blood and soil.”¹⁸⁸ Heimbach has also stated that “faith based upon blood and soil” is “essential to genuine Christianity.”¹⁸⁹
- The public relations chief for League of the South, Brad Griffin, wrote about how the concept of blood and soil has informed Southern Nationalist ideology in “Blood and Soil: How Southerners Became a Separate and Distinct People”¹⁹⁰
- Defendant Vanguard America’s website was bloodandsoil.org.¹⁹¹
- Defendant Vanguard America member Dan Kleve testified that ‘Blood and Soil’ was derived from “National Socialist” ideology, and that it referred to an ethnostate.¹⁹²

At Charlottesville, the white supremacists regularly invoked the now common slur, “*Kike*,” or “*Kyak*.” Although there are different theories as to the origins of this term, in the late 19th and 20th century it became the principal derogatory term for a Jew, akin to the “n”-word for African Americans, “wops” for Italians, “fags” for homosexuals and so forth. It is reviled by Jews and rarely used by them. Various dictionaries describe it as a “slur” that people should “avoid.”¹⁹³ Yet, it was invoked frequently in connection with the Unite the Right.

¹⁸⁸ Matthew Heimbach & Sven Longshanks, The Daily Traditionalist: Movement Hijack and MP Assassination, RadioAlbion (June 16, 2016), <https://www.radioalbion.com/2016/06/the-daily-traditionalist-movement.html>.

¹⁸⁹ Matthew Heimbach & Sven Longshanks, Traditionalist Youth Hour: Orthodox Nationalism, RadioAlbion, <https://www.radioalbion.com/2016/03/traditionalist-youth-hour-orthodox.html>.

¹⁹⁰ Brad Griffin, Blood and Soil: How Southerners Became a Separate and Distinct People, OccidentalDissent (June 6, 2015), <http://www.occidentaldissent.com/2015/06/06/blood-and-soil-how-southerners-became-a-separate-and-distinct-people/>.

¹⁹¹ Vanguard America, bloodandsoil.org, NOCUSTODIAN00044734.

¹⁹² Dan Kleve Dep. Tr. (May 28, 2020) pp. 61:21-62:18.

¹⁹³ Andrew Anglin, Summer of Hate: Black Sun to Cross America This August, Daily Stormer (May 19, 2017), NOCUSTODIAN00019712. For an example of such an instruction by the editorial board of a dictionary see: <https://www.thefreedictionary.com/Kikes&p=6&pos=6>.

- After Unite the Right, Defendant Richard Spencer referred to the people of Charlottesville as “little fucking kikes” and “octaroons.”¹⁹⁴
- In the Daily Stormer Live Updates from Charlottesville, the mayor of Charlottesville is referred to as the “kike mayor.”¹⁹⁵

An example of this can be found in the statement by Defendant Andrew Anglin, “When the Jews took over society and turned it into a kiked-out living hell, they marked their achievement by declaring a ‘Summer of Love.’”¹⁹⁶ Similarly, rally participants invoked expressions such “*Gas the Kikes/Jews*,”¹⁹⁷ an obvious reference to the method by which Jews were murdered during the Holocaust. Indeed, one of the historically distinctive things about the genocide of the Jews was the use of purpose-built killing devices, i.e. gas chambers. Many Jews were killed by bullets. However, bullets and the guns that deliver them can be used for positive purposes such as protection or subsistence hunting. Gas chambers, on the other hand, had only one purpose: the simultaneous murder of as many people as efficiently as possible. There is probably no adult alive today who does not understand what the reference to “gas” means when used in conjunction with “Jews.” The white supremacists who attended Unite the Right evoked gassing Jews numerous times:

¹⁹⁴ Milo Yiannopoulos, LEAKED AUDIO: Richard Spencer reacts to the death of Heather Heyer (EXPLICIT), SoundCloud (Nov 3, 2019) 0:26-0:31, NOCUSTODIAN00019712.

¹⁹⁵ Daily Stormer, Live Updates (August 17, 2017 5:15 p.m.), NOCUSTODIAN00020753.

¹⁹⁶ Andrew Anglin, Summer of Hate: Black Sun to Cross America This August, Daily Stormer (May 19, 2017), NOCUSTODIAN00019712.

¹⁹⁷ Christopher Cantwell, Radical Exodus, 73 Exodus Americanus (Jun 19, 2017) at 4:39-57, <https://exodusamericanus.libsyn.com/exodus-americanus-73-radical-exodus-0> (“The minute I associated Jews with communism I was like ‘they all have to die’ ... I was like ‘let’s gas the kikes and have a race war!’” , Vanguard America, “On Charlottesville – why we fight,” June 1, 2017, NOCUSTODIAN00016534.

- Defendant Ray stated during a speech at Charlottesville: “Gas the kikes, race war now.”¹⁹⁸
- Defendant Cantwell wrote a song called “Gassing Kikes and Trannies,”¹⁹⁹ and also claimed that he had been persecuted and was “in jail for gassing kikes and trannies.”²⁰⁰ In the lead up to Unite the Right, Cantwell suggested that they should “fucking gas the kikes and have a race war.”²⁰¹
- Defendant Elliott Kline, in a conversation about raping and murdering a Jewish woman, used a variation on the phrase saying “cuck the kikes, race war now.”²⁰²
- Defendant Anglin has repeatedly referred to “gas[sing] the kikes” on the Daily Stormer Website.”²⁰³
- Samantha Froelich testified that she had heard Defendant Elliot Kline use the phrase “gas the kikes”²⁰⁴

Similarly, a familiar antisemitic trope is: “*Jews into the ovens.*” During the Holocaust many Jews were gassed in the death camps and then their bodies were burned in specially designed crematory ovens.²⁰⁵ This chant clearly evokes the concept that that Jews should once again be

¹⁹⁸ Azzmador at #UniteTheRight, aka The Charlottesville Putsch pt 1, YouTube, Aug. 15, 2017, <https://web.archive.org/web/20170818195326/https://www.youtube.com/watch?v=6KxNsGxlrQQ&gl=US&hl=en.NOCUSTODIAN00015068> (“Someone is getting gassed.... LET’S HOPE IT’S JEWS.”)

¹⁹⁹ Christopher Cantwell, Gassing Kikes and Trannies (Song), chriscantwell.com (Dec 10, 2017), NOCUSTODIAN00017753.

²⁰⁰ Christopher Cantwell & Andrew Anglin, Radical agenda S03E014: Andrew Anglin, chriscantwell.com (Jan 13, 2018) podcast 13:50, <https://web.archive.org/web/20180818220032/https://radicalagenda.com/wp-content/uploads/mp3/S03/RAS03E014.mp3>

²⁰¹ Christopher Cantwell, Agreeing With Liberals Blitzkrieg, 340 Radical Agenda (Aug 7, 2017) at 52:32-52:59. <https://archive.org/details/RadicalAgendaArchive/EP340+-+Agreeing+With+Liberals+Blitzkrieg.mp3>.

²⁰² Sacco Vandal et al., THOT Swirly, 29 The War Room (Mar 20, 2017) at 1:16:12–16.

²⁰³ Daily Stormer Archives, Tag: Gas The Kikes, <https://dailystormer.name/tag/gas-the-kikes/>; Andrew Anglin, Steven Crowder Seizes Leadership of the Alt-Right, Calls for “Total Extermination” of “Ratfaced Kike Vermin,” Daily Stormer (Sept 30, 2016), <https://dailystormer.name/steven-crowder-seizes-leadership-of-the-alt-right-calls-for-total-extinction-of-ratfaced-kike-vermin/>.

²⁰⁴ Samantha Froelich Dep. Tr. (Mar. 9, 2020), p. 59 at 22–24.

²⁰⁵ They were designed to be extremely fuel efficient, since coal was necessary for civilian and war use. They were also designed to be able to burn more than one body at the same time.

burned. It is about as direct a connection to the Holocaust as one can draw. This phraseology was also used widely in the lead up to and at Unite the Right:

- Defendant Ray shouted at Unite the Right: “The heat here is nothing compared to what you’re going to get in the ovens!”²⁰⁶
- “Into the ovens” was also repeatedly shouted by torch-bearers on August 11.²⁰⁷
- Defendant Ray proclaimed: “the ovens are going to be a lot hotter than fucking pepper spray.”²⁰⁸
- Late in the summer of 2017, in the leadup to Unite the Right, Defendant Cantwell added an introduction to his show which stated that while he “is a racist” he “would rather not be an antisemite, but those oven-dodging sons of whores refuse to stop running our government, media, and financial systems into the ground.”²⁰⁹ Cantwell has also referred to Jews as “oven dodging kikes” in a conversation about how future rallies should not be held in cities “controlled by communist jews or criminal niggers.”²¹⁰
- Defendant Elliott Kline stated on a podcast March 20, 2017: “I work in HR firing niggers and spics all day, before that I was in the Army and I got to kill Muslims for fun. I’m not sure which one was better, watching niggers and spics cry they can’t feed their little mud children or watching Muslims’ brains sprayed on the wall. Honestly both probably suck compared to listening to a kike scream while being ovened.”²¹¹

²⁰⁶ Joel Gunter, A Reckoning in Charlottesville, BBC (Aug 13, 2017) <https://www.bbc.com/news/world-us-canada-40914748>.

²⁰⁷ [Video on file with author]

²⁰⁸ Daniel Shular, Unite the Right and Counter Protests in Charlottesville, VA August 11-13, 2017, YouTube (Aug 15, 2017) at 1:40, NOCUSTODIAN00033360

²⁰⁹ Christopher Cantwell, Agreeing With Liberals Blitzkrieg, 340 Radical Agenda (Aug 7, 2017) at 52:32-52:59, <https://archive.org/details/RadicalAgendaArchive/EP340+-+Agreeing+With+Liberals+Blitzkrieg.mp3>.

²¹⁰ Southern Dingo et al. Hovater and Cantwell, 32 Southern AF Podcast (Mar 12, 2018) at 1:01:40–1:02:21, NOCUSTODIAN00033373.

²¹¹ Sacco Vandal et al., THOT Swirly, 29 The War Room (Mar 20, 2017) at 1:52:00 – 1:52:29.

Yet another trope used by the white supremacists was “*Jewish commies*.” The linking of Judaism and communism is a common canard of those who adhere to radical white supremacist beliefs. The noted historian, Walter Laqueur, traces the claim that Jews are behind the communist threat to the writings of Alfred Rosenberg, the Nazi ideologue, whose work was greatly relied upon by Hitler and the Nazi party.²¹² In fact, even before the creation of the Nazi party, the Conservative party in the United Kingdom was claiming, with little to no evidence, that the Russian Revolution had been engineered by Jews.²¹³ Since the small Jewish community in the United Kingdom tended to support the Labour party, this was the Conservative party’s way of associating Labour with Jews and with communism. Irrespective of its precise origin, what is beyond doubt is that the connection between Jews and communists as two groups working together to harm Germany in general and “Aryan” society in particular, became a mainstay of Nazi propaganda. It was a familiar and common theme in Hitler’s speeches and harangues. Hitler hated communism because, in contrast to Nazism, it prioritized class over nation and race. He, however, recast it as “Judeo-Bolshevism,” a claim that communism was specifically devised by Jews as a means of harming and ultimately taking over Germany.”²¹⁴ A number of the white supremacists who participated in Unite the Right invoked this historical antisemitic intertwining of Jews and communists, contending that all communists were Jews and vice versa.

- Defendant Ray shouted: “The city is being run by Jewish communists.”²¹⁵

²¹² Walter Laqueur, *Russia and Germany: A Century of Conflict* (New Brunswick: Transaction Publishers, 1990), pp. 33-34.

²¹³ Henry Defries, *Conservative Party Attitudes to Jews, 1900-1950* (London: Frank Cass, 2001) pp. vi, 70ff.

²¹⁴ “Communism,” *Encyclopedia of the Holocaust of the United States Holocaust Memorial Museum*, <https://encyclopedia.ushmm.org/content/en/article/communism-1>.

²¹⁵ Elle Reeve et al., Charlottesville: Race and Terror – VICE News Tonight on HBO, VICE News (Aug 14, 2017) at 6:54–7:00, NOCUSTODIAN00028711 (Ray: “the city is being run by Jewish communists and criminal n****”).

- Defendant Heimbach has conflated communists and Jews,²¹⁶ as has Cantwell.²¹⁷
- Defendant Andrew Anglin wrote on The Daily Stormer (also Moonbase Holdings) that “Communism Isn’t a System – It is a Tactic” with the ultimate goal of the Jews being to use communism to “completely cleanse the old elite and establish themselves as supreme leaders.”²¹⁸
- In one of the final episodes of his podcast before Unite the Right, Defendant Cantwell claimed that he became an antisemite when he learned that Jews were “responsible for communism” which he viewed as a “fucking really good reason to fucking genocide a group of people”²¹⁹
- Michel Chesny testified that he said: “Once upon a time I just hated commies. Then I learned commies only exist because of Jews. It’s a process.”²²⁰

Finally, the white supremacists at the Unite the Right rally also invoked as a rallying cry the Nazi concentration camps, and in particular, “*Auschwitz*.” Auschwitz, the German death camp in occupied Poland, was the site of the greatest killing field in the world. Approximately 1.1 million people were murdered there. Of those, 900,000 were Jews. Among those Jews were approximately 425,000 Hungarian Jews who were deported and gassed in the space of seven weeks (May-July 1944), while the war was winding down and the Germans were on a distinct road to defeat. Antisemites, including those at Unite the Right, regularly used the phrase “Auschwitz” as a rhetorical device to demonstrate their purported end goals:

²¹⁶ Matthew Heimbach & Tony Hovater, ACTION! 3 (Jan 7, 2018) at 1:48:00, NOCUSTODIAN00033313 (Heimbach calls Martin Luther King a “communist controlled by the Jews”).

²¹⁷ Christopher Cantwell, Radical Exodus, 73 Exodus Americanus (Jun 19, 2017) at 4:39-57, <https://exodusamericanus.libsyn.com/exodus-americanus-73-radical-exodus-0> (“The minute I associated Jews with communism I was like ‘they all have to die’ ... I was like ‘let’s gas the kikes and have a race war!’”).

²¹⁸ Andrew Anglin, Communism isn’t a System – It is a Tactic, Daily Stormer (May 14, 2019), <https://dailystormer.su/communism-isnt-a-system-it-is-a-tactic/>

²¹⁹ Christopher Cantwell, Agreeing With Liberals Blitzkrieg, 340 Radical Agenda (Aug 7, 2017) at 52:32-59, <https://archive.org/details/RadicalAgendaArchive/EP340-+-Agreeing+With+Liberals+Blitzkrieg.mp3>

²²⁰ Michael Chesny Dep. Tr. (Mar. 3, 2020), p. 86. at 22–24.

- The *Daily Stormer* proclaimed: “**Next stop Charlottesville. Final Stop: Auschwitz.**”²²¹
- On the Saturday of Unite the Right, when marchers were walking past a synagogue in Charlottesville while services were being held inside, their chants were directly linked to the Holocaust.²²² From a description by one of the congregants in the synagogue: “Several times, parades of Nazis passed our building, shouting, ‘There’s the synagogue!’ followed by chants of ‘Sieg Heil’ and other antisemitic language. Some carried flags with swastikas and other Nazi symbols.”²²³
- Richard Spencer’s AltRight.com published an article claiming: “Holocau\$ [sic] is designed to make you feel guilty whenever you criticize the Jews. Everyone knows that noticing their subversive tendencies leads directly to Auschwitz.”²²⁴
- On a podcast David Matthew Parrott laid out a plan to eliminate non-whites, by trapping them in an “Artificial Auschwitz supplying them with video games and addictive substances until they die off in what he calls the “Jewel Quest Genocide”²²⁵

²²¹ Benjamin Garland, Charlottesville 2.0: Be There or Be Square, *Daily Stormer* (Aug 5, 2017), NOCUSTODIAN00020010.

²²² Sandi Bachom, Charlottesville Nazis Chant ‘Jews Will Not Replace Us’ Through Streets of #CVille 8/12/17, YouTube (Aug 15, 2017), BACHOM00000159

²²³ Second Amended Complaint, p. 65; Dahlia Lithwick, “Drowning Out Hate,” *Slate*, August 17, 2019; Alan Zimmerman, “In Charlottesville the Local Jewish Community Presses On,” *Reform Judaism* (August 14, 2017), https://reformjudaism.org/blog/2017/08/14/charlottesville-local-jewish-community-presses?utm_source=Share&utm_medium=social&utm_campaign=BlogPost&utm_content=Zimmerman.

²²⁴ Vincent Law, 5 Things I Learned In Kindergarten That I Had To Unlearn Later On In Life, AltRight.com, <https://altright.com/2017/07/31/5-things-i-learned-in-kindergarten-that-i-had-to-unlearn-later-on-in-life/>.

²²⁵ Dino et al. GoyTalk LIVE – Why Don’t They Go Back? Ft. Matt Parrott, Vanguard Streaming (July 19, 2019) at 1:13:18–1:15:00, NOCUSTODIAN00033348.